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DOCUMENTS
OF THE
ASSEMBLY

OF THE
STATE OF NEW YORK,
ONE HUNDRED AND NINETEENTH SESSION.

1896.

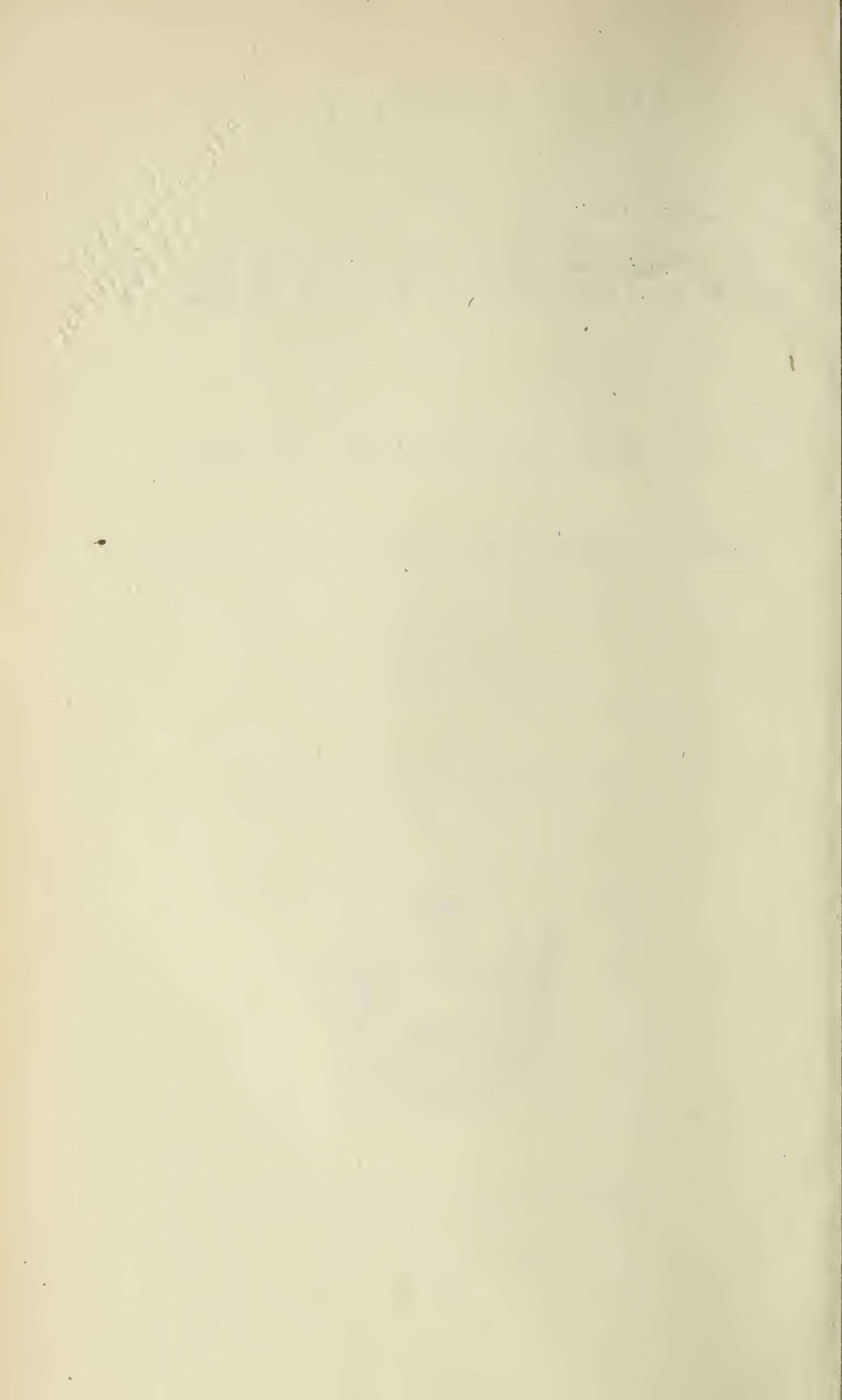
VOLUME XVII — No. 83 — PART II.



WYNKOOP HALLENBECK CRAWFORD CO.

STATE PRINTERS,
ALBANY AND NEW YORK.

1896.



REPORT AND TESTIMONY

323,747

N48

TAKEN BEFORE THE

1896¹⁷

CITIES COMMITTEE OF THE ASSEMBLY

APPOINTED TO

Investigate the Department Controlled by the Board
of Commissioners of Charities and Corrections
of the County of Kings.

TRANSMITTED TO THE LEGISLATURE APRIL 2, 1896.

WYNKOOP HALLENBECK CRAWFORD CO.,

STATE PRINTERS,
ALBANY AND NEW YORK.

1896.

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\$6,500; now the chapel was built during that time, and Colonel Gott said during six months of it; now, what was this \$6,000 a month pay-roll used for? A. The detailed reports of the chief engineer would show what it was used for.

Q. I want you to state? A. I can't state from memory.

Q. You don't know anything about it? A. If I did not know anything about it I would consider it to be correct; I did know at that time but I may not now.

Q. You stated a moment ago that it was expended upon the chapel, and there was no other improvement of any note that was done at the same time, and you said it couldn't be so; now, if there was any other improvement going on at that time, I want you to state it? A. I will amend the answer and say I don't believe it is so.

Q. What was the use of this \$6,000 worth of mechanics a month? A. They were employed in the department, and the chief engineer's books would show how they were employed.

Q. What books? A. His record of the employment of mechanics that he makes up his report from.

Q. You mean the time book? A. No, sir; the total record of the department; he makes them up, I presume, from his time book.

Q. His record would be his time book? A. Yes, sir; his record would be his time book.

Q. I showed you the time book at the beginning of your examination? A. Yes, sir.

Q. And you saw that that showed nothing as to what the men were employed on? A. I don't remember that, but I don't think it did.

Q. How would that record show what they were employed for? A. That was his basis for the report.

Q. But the pay-roll that I showed you would show as much or more because they were the men actually paid A. Yes, sir; that would be an element in the matter.

Q. What would be an element? A. The pay-roll would be an element in making up the report.

Q. The pay-roll would be an element would be an element in mak-

ing up your report? A. No, sir — of the chief engineer making up his report.

Q. But if he kept no record of the particular work that was done in the time book how would you arrive at the cost of a particular thing? A. I don't know how he arrived at it.

Q. How would you? A. I can not arrive at it because I did not keep his records; he must have had sufficient records to have arrived at it.

Q. When he made up this report that the chapel cost a little over \$8,000 you replied upon his report at that time? A. He did not make that report to the board that I was a member of — to the subsequent board.

Q. Do you know whether he figured in that report that it contained all the work done during the three different administrations, or simply one administration? A. During that fiscal year?

Q. During that fiscal year? A. Yes, sir; during that fiscal year.

Q. And, of course, it did not take that chapel to build more than one fiscal year? A. The board of estimate made the allowance for it in June—I think it was in June—and the fiscal year commenced in July or the 1st of August.

Q. They made the allowance in June for the following fiscal year? A. Yes, sir.

Q. And the chapel was built in that fiscal year? A. Yes, sir.

Q. Consequently one report for one fiscal year should contain the chapel; that is true is it not? A. Yes, sir; but I was not a member of the board for all that fiscal year.

Q. I understand that; your appointment took place at the annual year and you left at the annual year's expiration, and this report was made at the fiscal year—you leaving in December, and the fiscal year ending in July, that is right, is it not? A. Yes, sir.

Q. Did you know at the time you left what had been expended on the chapel? A. No, sir; only approximately.

Q. What did you approximate it by? A. By the pay-roll and the bills that came in for material; but a large number of those bills had not come in, and the chapel was not completed.

Q. Then you could not approximate at all? A. Only to keep the run of it.

Q. When you saw the mechanics' pay-roll of \$6,000 a month did you approximate on that? A. I knew it was not for the chapel.

Q. Can't you recollect what it was for? A. Certainly not — the idea of my recollecting pay-rolls two and a half or two years old.

Q. I am not asking you to recollect pay-rolls; I am asking you to recollect what this extra expenditure for mechanics' services of over \$6,000 a month was for; I am asking you not to recollect those pay-rolls, for I have shown you those; I am asking you to recollect the improvements made during that time when the pay-roll had increased to this large extent; that is all I ask? A. Well, I said the heating plant at the asylum was one — and the asylum was one — the others I do not recall, because I might mix one fiscal year with another.

Q. You don't recollect anything else but those two? A. I don't recall anything else at this time.

Q. You don't mean to say that those two were sufficient to increase the pay-roll from \$1,800 to \$6,000? A. Work was also being done at the penitentiary that year.

Q. Do you know what the work was at the penitentiary? A. Enlarging the cells; getting ready to increase the number of cells.

Q. An addition to the penitentiary; making 60 additional cells? A. I forget the number.

Q. That was in the same year, do you say? A. Part of the same fiscal year.

Q. Do you know what year that extension was built? A. I know the improvements were in progress when I ceased to be a member.

Q. Were what? A. I know the improvements were in progress when I ceased to be a member.

Q. Yes, sir; and they were taken out of the fiscal year subsequent to the time that you left the place? A. Yes, sir.

Q. And the provisions for those improvements were made in the fiscal year of 1893 and 1894? A. I think so.

Q. Do you know when the chapel— A. Not of 1892 and 1893; the board of estimate met before the end of the fiscal year ending July, 1892.

Q. When did you leave? A. December, 1893.

Q. If you left in December, 1893; the fiscal year commenced August 1, 1893? A. Yes, sir.

Q. And the appropriation by the board of estimate for the penitentiary improvement was in the fiscal year 1893 and 1894? A. It would be made before the beginning of the fiscal year; it would be made for that fiscal year.

Q. That is right? A. Yes, sir.

Q. Not for 1892 and 1893? A. I had the impression of our meeting at that time.

Q. Which is correct, 1892 or 1893? A. The fiscal year of 1893 and 1894.

Q. Do you know for what fiscal year the appropriation was made for the chapel? A. The fiscal year of 1893 and 1894.

Q. The same fiscal year? A. Yes, sir.

Q. And do you know whether it was that fiscal year that the appropriation of \$50,000 to the construction account was given? A. Yes, sir.

Q. So that that construction account took in those three improvements that you speak of—the penitentiary, the chapel and the boiler-house? A. Not the boiler-house.

Q. What did you say? A. I don't think I mentioned any boiler-house.

Q. What did you say? A. The reheating plant at the asylum.

Q. Where was the reheating plant? A. At the asylum.

Q. So that that \$50,000 for that construction account was for those three purposes? A. It was for a number of purposes recited, but I don't remember the detail.

Q. Those three were included? A. I think so.

Q. You don't recollect any others? A. No, sir.

Q. But in addition to the construction account in that year you had a large account of \$25,000 allowed you for mechanics' services? A. Yes, sir.

Q. So you had \$75,000 that year allowed you for construction and repairs? A. And mechanics' services.

Q. And mechanics' services, of course. A. The construction and

repairs account was considered as being outside of the regular repairs in the institution.

Q. But the construction and repairs was intended to include mechanics' services? A. Oh, no — mechanics' services as they were needed.

Q. As they were needed of course; that is to say, the ordinary mechanics' services of \$25,000 was for ordinary purposes? A. Yes, sir.

Q. And the rest was for additional purposes? A. Yes, sir.

Q. Additional improvements? A. Yes, sir.

Q. You assumed the right of building this chapel, of course, believing you had that right? A. Yes, sir.

Q. It was a new building? A. Yes, sir.

Q. Did you ever inquire whether you had a legal right to build it? A. I don't think so.

Q. Did you ever read the opinion of a former counsel to the department, Winchester Britton, showing that the department had no right to build any new buildings? A. I never remember reading it.

Q. It never was called to your attention? A. No, sir.

Q. How did you assume to build a new building without the board of supervisors? A. It had been talked over in the board—the necessity of increasing the facilities in the almshouse, and these rooms were occupied as a chapel; it was thought it would increase the facilities of the almshouse, to accommodate the paupers, and if the chapel was built it would give the department the benefit of that room.

Q. And you thereupon built the chapel? A. Yes, sir.

Q. Did you consult the counsel of the department about your power to do that? A. I did not.

Q. Did anybody? A. I don't think they did.

Q. There was no question as to the scope or limit of the power of your board in putting up buildings? A. The building of that chapel was talked over for a long while before it was undertaken and we went before the board of estimate and requested an allowance for it.

Q. Did you not get an allowance for it; you do not mean that you got a general allowance of the whole sum for the construction and repair? A. They allowed us \$50,000 when we called for \$70,000.

Q. They allowed you \$50,000 for the construction and repair account, but not the chapel? A. That was one of the items.

Q. It was one of the items in their allowance; it was not for the chapel? A. It was to cover the items mentioned, amounting to \$70,000.

Q. But in their allowance you know they did not mention the chapel? A. Oh, no, sir; they allowed us \$50,000, lump sum.

Q. I ask you again the question whether in arriving at the conclusion to put up the chapel you had made up your mind that you had the right to put up buildings regardless of the board of supervisors? A. Undoubtedly.

Q. You assumed you had that right? A. I don't think the thing was called in question in consultation of the board at all.

Q. And all you had to do was to apply to the board of estimate, and if they gave you the money you put it up, and if they didn't you couldn't, of course? A. Yes, sir.

Q. That was the situation practically, was it not? A. Yes, sir.

Q. Yet, you say, you read this act of 1880? A. Yes, sir.

Q. And you assumed under that act you would have the same power that the board of supervisors of the county had, as Colonel Gott says, you had the same authority? A. I think the act of 1880 gives us the same power as the board of supervisors in their department.

Q. You think it gives the same power in their department that the board of supervisors had? A. Yes, sir.

Q. And you get that "think" I suppose from the act? A. Yes, sir; I presume so from the reading of the act; it is along while since I have read — also the powers of the superintendents of the poor throughout the State.

Q. So that from your standpoint if any number of new buildings had been necessary and the board of estimate had given you the money you could have put up the buildings? A. Not at St. Johnland, because that was excluded by the act.

Q. I am speaking of St. Johnland? A. St. Johnland was under the authority of the board.

Q. But anywhere else you supposed you had the right to put up the buildings? A. Yes, sir.

Q. You did put up a new building even in St. Johnland? A. We put up a morgue.

Q. That was a new building? A. That was a new building.

Q. And you just excepted that, Mr. Murphy; how did you come to put up that building? A. I didn't know it was put up.

Q. It was put up under your administration? A. It was put up under my administration.

Q. How did you come to put it up, if you had no right to at St. Johnland; I mean the morgue, the new building which you admit you constructed. A. The morgue — the dead at St. Johnland were put in a cellar under a stable or barn; there was no place to put them apparently except that and it was thought by the commissioners that different accommodations ought to be provided; friends of patients went there after a corpse or undertakers went there, and there ought to be a decent place to put them in, and while I do not know that I knew anything of the morgue being built it was a matter that was talked of, the propriety of doing such a thing, and I heartily approved of it.

Q. You approved of the location for it, too? A. No; I don't know who selected the location.

Q. Was it not up in the board as to where it was to be located? A. No, sir; I don't think so.

Q. Here was a building constructed obviously in violation of law; you had no authority in St. Johnland to put up a building; yet you were not consulted as to its location? A. I wouldn't think a building of that kind for the accommodation of the dead was a very great breach of the law.

Q. It might have been a very trifling and technical one, but even in that respect you were not consulted as to locating it? A. No, sir; I don't think I was.

Q. Or the board? A. Or the board; as a member of the board I was not consulted as to location.

Q. Do you mean to say that it was not a board action; the board, as a board, took no action upon it? A. The action when it was taken was approved by the board, but it was not approved previously by the board; after it was a fact accomplished it was approved.

Q. It was an ordinary small wooden building with a wooden floor; wasn't that all? A. I never was in.

Q. You saw it? A. Yes, sir.

Q. And you saw it sufficiently to criticise its location? A. Yes, sir; I think so.

Q. You know it was a small building of wood with a wooden floor? A. I don't know what the floor was.

Q. Did you never go into it? A. No, sir; I never was in.

Q. You say this building of the morgue was for the purpose of doing away with the insult which had been perpetrated upon the dead and those who had to deal with them in having to go through the cellar of the barns or stable; didn't you take enough interest in the matter to see that it was located properly? A. I presume it was under the charge of the superintendent.

Q. I am asking you of your own personal feeling in the matter; your feelings were appealed to in its construction, and yet you yourself at that time took no personal interest in the matter to see where it was located or the manner of its construction; that is so, is it not? A. One of the members was an undertaker and much better qualified than I was to decide on such matters.

Q. Who was that? A. Commissioner Nolan.

Q. Why was he so much better qualified? A. Because he was an undertaker and had business of that kind constantly.

Q. If he was an undertaker he would know properly where to locate a morgue in Kings Park? A. His idea would be better than mine; the undertakers—the association of undertakers—had made complaints to him in regard to the arrangements there.

Q. And so that was left to Nolan? A. No, sir; I did not say that; as far as I was concerned it was left to Commissioner Nolan and the president.

Q. So far as you were concerned you relied, then, in that matter on Nolan? A. On Nolan and the president of the board.

Q. On the president, too? A. Yes, sir; on the other two commissioners.

Q. And yet when it was first spoken of to construct you were consulted about it? A. The matter was talked over in the board; the matter of having one was talked of—having better accommodations.

Q. Now, you have stated that you took it from the reading of the act of 1880, without consultation with counsel, that you had the right to construct such buildings as you could get money for from the board of estimate; that is substantially what you said, and that you had the same powers as the board of supervisors in that regard? A. I did not have any doubt of our power to put up the buildings.

Q. What is that? A. I did not have any doubt of our power to put up the buildings.

Q. I know that; I will give you the act to read; the only portion of the act that gives you any power, and mentions it, with the board of supervisors, is as follows: "The said board," meaning the new board created by the act, "shall have power to purchase all such articles and supplies as shall be necessary to be used in and for the relief and support of the poor of the county of Kings, and for the support of the persons confined in said penitentiary, and for that purpose"—you notice the purpose that I have just read—"to purchase all such articles and supplies as shall be necessary to be used in and for the relief and support of the poor of the county of Kings, and for the support of the persons confined in said penitentiary, and for that purpose shall generally possess every power and authority now possessed by the commissioners of charities and the board of supervisors of the county of Kings not inconsistent with the provisions of this act;" for that purpose they shall possess the power of the then existing department of charities—that is for the purpose of the purchase of these supplies for the poor and the persons confined in the penitentiary; now, do you take it from that clause that you had the power to erect buildings? A. I understood from the general scope of the law that we had that power.

Q. Did you take it from that cause? A. I couldn't say.

Q. Does that clause give you the right? A. I am not a lawyer, you know.

Q. I want to know from where you got that law, Mr. Murphy; you say you had no doubt you had the right; you got your right from this act, didn't you? A. I presume so.

Q. Don't you know so? A. That is where we got our powers from.

Q. If your powers to erect buildings are not contained in the act of 1880 they can not be contained anywhere? A. I am not acquainted with all the laws of the State, but I should go to that act.

Q. That is the only act that created you and gave you power? A. I know that was our power of action; yes, sir.

Q. Now, look at it and see if you can find a word in it that gives you a right to erect buildings?

(Counsel presents book to witness.)

A. (Referring to copy of act) section 4 of chapter 284, if you will allow me to read the whole of section 4, or as much of it as —

Q. Oh, yes. A. "The board constituted by this act shall be a corporation by the name of the 'Board of Commissioners of Charities and Correction of the County of Kings,' under which name they may sue and be sued, and they shall possess the usual powers of a corporation for public purposes. They shall constitute a board for the relief and support of the poor of the county of Kings and for the government, management, maintenance and direction of the premises commonly known as the county farm at Flatbush in said county and of each and all of the said institutions and buildings, property and appurtenances situated, or which may be erected thereon, and for the employment, relief, support and government of the persons placed thereon, and as such may appoint and remove from time to time, storekeepers and all other officers, subordinates and assistants." Now, under what I have read, I considered that the board had that power.

Q. Under what you have just read they had the power? A. Yes; coupled with what you read below, of course.

Q. Well, coupled with what I read below; there it says what specific power you are given; there is nothing in what you have just read that gives you any power, except a supervisory power over the buildings that were there, that had been constructed or to be constructed; that you had the power to employ people and so on?

A. It seems to me that that means something more than that; "They shall constitute a board for the relief and support of the poor of the county of Kings, and for the government, management, maintenance and direction of the premises known as the county farm at Flatbush."

Q. Does it say anything there about construction? A. "And of each and all of the several institutions and buildings, property and appurtenances situated, or which may be erected thereon;" and employment and so on.

Q. Does it say anything about construction? A. It seems to me that gives ample authority to the board to do what they did.

Q. To construct? A. To construct; yes.

Q. Does it limit them as to Flatbush; that gives them the same power over St. Johnland, doesn't it? A. Oh, no, no; the county farm, Flatbush; it mentions the county farm, Flatbush.

Q. With all such institutions as are in its charge; isn't that so; that was passed in 1880, subsequent to the time when the St. Johnland farm was purchased; why wouldn't you have the same power over St. Johnland that you had over any other part of the institution? A. Because at that time there was no farm at St. Johnland and this expressly said, "County farm at Flatbush, and then afterward states the penitentiary and so on."

Q. But it also says the institutions within its care, doesn't it? A. Yes.

Q. And St. Johnland, became an institution within its care?

A. But it was not in its care at the time; the act was not prospective.

Q. Then your construction of this morgue was to your own knowledge, under your construction of the law, a violation of the law?

A. Oh, no; I don't know what the act is that gives the commissioners power over the county farm; I don't know what the number

of that is so that I can't refer to it, the chapter; but in that act when the premises were turned over to the charities commissioners they would have the same power—I am only stating what I understand, the purport of it—they would have the same power that they have over these premises at Flatbush.

Q. Now, you didn't think there was any doubt about your power, sufficient to even find out whether a legal construction had ever been placed upon this act? A. Oh, no; of course this was a matter that had been talked over and over by the board before at different times.

Q. Did you consider why it was the board of supervisors had put up other buildings; if you had power to put them up, why couldn't you put up any buildings? A. They put up buildings at St. Johnland, because the act purchasing and establishing the farm at St. Johnland made it the duty of the board of supervisors to put up the buildings there; but when they had turned the farm over to the Charities Commissioners, then the Charities Commissioners, as far as that part that was taken over by them was concerned, would have the power to do the same as they would at Flatbush.

Q. When you asked for this money from the board of estimate, the \$70,000, did you make a memorandum of what you wanted it for? A. There was a memorandum made at the time.

Q. And you discussed at that time the chapel and other things that would be needed—that you would need the \$70,000 for? A. I supposed yesterday when we were talking of that matter that it was recited in the letter to the board of estimate; it does not seem to have been copied in the records in that way.

Q. Who was it that suggested the employment of this large force of mechanics for the purpose of doing this work, do you know? A. No; that would be the action of the board as a whole I should think.

Q. Action of the board in executive session? A. Perhaps so.

Q. Well the minutes ought to show it, doesn't it? A. Oh, I don't know.

Q. Well, you saw the minutes; I asked you before— A. There were no minutes of the executive sessions.

Q. But they also show that there was no minutes of the appointments, a large number of those appointments? A. Yes.

Q. Consequently you said it showed that it was done in executive session? A. That was in regard to another year, but the same thing would apply to this, I think.

Q. Do you know why it was that these pay-rolls show they took on from August to December—the force of mechanics increased? A. Yes, sir; because the work to be done, the large part of it was to be done before winter.

Q. It was not because that was election time? A. Oh, no.

Q. Had nothing to do with it? A. No, sir.

Q. And then were discharged immediately after election? A. No, they were not discharged immediately after election.

Q. Do you say that didn't occur? A. They were not discharged I say, immediately after election, a large part of them were not.

Q. Well, I say a large part of them were discharged immediately after election as shown from the pay-rolls? A. I don't think so; I think they were discharged as the work was done.

Q. Then the work, according to the pay-rolls was much lessened in December to what it had been in August, September, October and November? A. For instance, the work on the heating plant, we tried to be done before cold weather, and the cattle—

Oh, there were not 40 men employed on the heating plant, were there? A. I don't know how many; I shouldn't think there were 40 men there, but there were a great many men employed on it in various ways.

Q. Can you tell how many were employed on any of the jobs? A. No, sir.

Q. You never saw them? A. I see men at work on them, but I couldn't tell how many were employed at any one time.

Q. Do you say that it was not invariably the case, as appears from the pay-rolls that the number of mechanics were lessened after the election? A. I don't say that; I say this, that I don't think the election had anything to do with it.

Q. Then that was simply a coincidence? A. I don't call it a coincidence.

Q. What do you call it? A. I don't call it; I don't have anything to say about it, except this, that that was not the reason that they were discharged.

Q. Well, it appearing every year upon your pay-rolls, that a large force was employed in August, September, October and November; then in December that force was largely lessened, that would simply show to you that the work had been done? A. Simply show that the progress of the seasons made certain work impossible, or impracticable, or unnecessary.

Q. Did you receive any verbal communication from the chief engineer concerning the appointment of this large force of men? A. I don't recall that I did.

Q. When he wanted a large force of men, or an additional force of men, how did he communicate that to the board? A. It would usually be verbally I should think; as far as I know it would be verbally.

Q. It was usually done verbally? A. I think so.

Q. That is, he would come to the board — A. Come to the board or telephone up from Flatbush.

Q. And thereupon you would send men there, wherever he would want them, either at St. Johnland or Flatbush; is that the way you did? A. They would report to him at Flatbush.

Q. And he would direct them where to go? A. Yes, sir.

Q. Did it ever occur to you, Mr. Murphy, that a pay-roll of \$6,000 and over, a month, needed investigation at your hands? A. It did receive investigation, what I thought was necessary.

Q. What investigation did you give it? A. The investigation of a comparison with the record that the chief sent up, a comparison of the wages and the proper extension of the time.

Q. Well, did you compare it with the actual work done? A. Not personally, no.

Q. Wouldn't that have been the proper method of comparison? A. I didn't think it to be my special duty.

Q. You don't think so now? A. No; if we have superintendents and chief engineers they are to be used in their different departments.

Q. But so far as that is concerned, the entire department could practically be run by subordinates, that is true; all you have to do was to employ subordinates to run the department and you wouldn't have had anything to do? A. Only to look out for those subordinates.

Q. That is all; and if you relied upon the subordinates your duty would have ended under such circumstances by looking after the subordinates? A. When I say rely upon subordinates, I don't mean a blind reliance, but a reasonable reliance.

Q. Yes; well then, even when you saw this immense increase of the pay-roll, which ordinarily had been \$1,800 a month, was now \$6,000 a month, you still relied upon your subordinate chief engineer? A. Certainly, if I knew what the work was that was in progress.

Q. I am asking you that, whether you knew what the work was? A. Yes; I knew what the department was doing generally; I didn't know every time that a man struck a hammer to a nail; I don't know that; I don't pretend to.

Q. No, but you knew, you investigated the matter of these immense pay-rolls, you investigated what the work was being done; is that right? A. I tried to inform myself as to what work was being done.

Q. Well, how did you try to inform yourself? A. Well, the inauguration of the work would be done by the commissioner — the initiation I should say of the work would be done by the commissioners; the direction to have it done.

Q. Then it would end at that? A. No; then the men would be employed.

Q. I mean would that end the work of the commissioners when they initiated certain work? A. No; because they would take an interest, and to some extent the direction and the employment of the men to work.

Q. I know, but that is one of those glittering generalities I want to get away from Mr. Murphy; I want to know what you did in order to verify the employment of \$6,000 worth of mechanics a month; what did you do in order to find out whether that was neces-

sary, if anything, or whether you left that to the chief engineer?

A. The work being pointed out for the chief engineer to do and the men supplied, I would take his pay-rolls as evidence that the work was done, and the work itself as done; for instance, if there was work done to the chapel, and the chapel was built, I would know that it had been built.

Q. Yes; but it was not built? A. And if it was in the air I wouldn't know it.

Q. If it was simply in course of construction you wouldn't have known anything about it? A. I would know because I would be there occasionally and see what was going on.

Q. But you wouldn't know by the method you pursued, you wouldn't know where a thousand dollars worth of mechanics a month were, or what they were doing, or whether they were actually earning that much for the department? A. I wouldn't know as to the earning of every individual dollar; I would know as to the general amount that was being earned.

Q. Then you would know that \$6,000 worth a month of mechanics were earned; did you know that? A. I think so.

Q. How did you know that? A. I can't explain it any other than I have explained it.

Q. You explained it in two ways, one that you relied upon the chief engineer that when he asked for men and you sent them and he sent down the pay-roll containing the men's names and they were paid, you relied upon him; and the other that you knew in a general way, you saw that certain work was being done? A. And that the work was initiated by the board.

Q. And that the work was initiated; but the initiating of the work, the putting a spade into the ground, or laying brick, doesn't show what the work would amount to, does it? A. No.

Q. What I want to get is, did you actually, ocularly verify what \$6,000 worth a month of mechanics was expended for? A. Oh, I can't say that I did for every dollar's worth of work that was done, but the general work that was being done in the department I was cognizant of and kept run of.

Q. That is to say you mean this, if I can gather correctly from

what you say; you knew that the board initiated certain work; you knew that there was certain work being done, by the reports that were brought you, and you knew that you had appointed a certain number of men at the request of the chief engineer; that was all there was to it; that is all you knew? A. And that the engineer handed in their names on his pay-roll.

Q. And that the names were handed in that were upon the pay-roll and got their money; that was all that you knew about it? A. Yes.

Q. Did you in any way attempt to ascertain whether the various improvements were being done at a reasonably fair expense to the tax payers before they were entered into? A. Yes.

Q. Only by what the chief engineer told you; only by that estimate? A. By what the chief engineer told me and by observations and what others told me—the other commissioners—that would go on.

Q. I mean did you attempt to get any estimate from outside builders or contractors for certain work? A. No, I don't think so; there was certain work that was done, but not by our mechanics; for instance, the fire escapes that were contracted for and commenced while I was there and some iron work at the penitentiary that was contracted for before my term closed.

Q. When there was this large increase of pay-rolls for mechanics alone, didn't it strike you that there might be a waste of the public funds, and that it would be well for you to figure up what these various improvements cost, so that in future you might be able to compare the work that was done by you and work that might be done by contract; or didn't the increase of the pay-roll attract your attention particularly? A. The increase of pay-roll did attract my attention always.

Q. Then did you figure up what the particular job cost the county by reason of the increased pay-roll? A. When the job was finished, then it would show what it would cost.

Q. You didn't figure? A. I didn't figure; I exercised the same care and inspection that I would if I had been having a house built for myself.

Q. Do you really mean that? A. Yes, I mean just exactly that.

Q. If you were having a house built for yourself you would give it out by contract, wouldn't you? A. I would see that the work was being done.

Q. Yes, but you would give it out to a contractor, wouldn't you? A. Oh, well, I don't know; I have had a house built both ways at different times in my life.

Q. Well, if you gave it out to a contractor, you wouldn't look after the work? A. No, I wouldn't look after the quality of the work.

Q. And did you look after the quality of this work? A. Tried to.

Q. Well, did you? A. Well, I think I did.

Q. And you looked after the quality of all the work that was done? A. I said I couldn't tell about every nail that was driven, but the general progress of the work and its quality, as it went along, I would look out for.

Q. Yet there were certain buildings and certain improvements that you saw nothing but casually and the outside of; that is true? A. Some.

Q. You never were inside the chapel? A. While it was in progress, yes; several times while it was being built; I presume a dozen times altogether.

Q. Never were but outside of the morgue? A. Never was inside of the little morgue at St. Johnland.

Q. Do you recollect that you estimated the repairs to the penitentiary roof workshop at \$8,000, or that the chief engineer did? A. I think it was estimated at \$8,130.

Q. Eight thousand and thirty-one dollars. A. Eight thousand and thirty-one dollars; I remember seeing the figures the other day when you handed me one of the reports, I believe it was.

Q. I think you gave the reason why there was a difference between the estimate and the price of that, that you were in a hurry to have it done, and it was figured on in a hurry? A. The board of estimate were in session and we were anxious to get the appropriation.

Q. Wasn't this estimate that you put in entirely for repairs; as you put in the supplies, your materials necessary for the work, put that in your schedule didn't you? A. No, the estimate was intended to cover the entire cost of the improvement; that is my recollection of it now; if we took supplies that we had on hand they would naturally come out of the supplies of the department and would have to be replaced from our supply account.

Q. Did you ever send any employes, mechanics or others, to the chief engineer's department unless they were called for by the chief engineer? A. You mean me personally.

Q. I mean your board? A. I think that there were some sent.

Q. How did that come about? A. Well, they would apply to one of the commissioners, or to one or more of the commissioners, for work, and they would be sent down to the chief to be employed if he had employment for them.

Q. Well, did you send a memorandum or letter with them? A. Any that I attended to personally, I sent a letter.

Q. The contents of the letter, do you recollect, Mr. Murphy? A. No; I don't recall the particulars.

Q. Did you tell them "Please put this man to work?" A. No; oh, no; I would say in substance: "John Smith has been recommended as a good carpenter by so and so, and if you have work for him and find him qualified, please set him to work."

Q. Do you know whether the other commissioners used a similar language? A. No, I don't know; I think that sometimes they would write the name on a slip of paper and send it down with him.

Q. Write a name on a slip of paper and the man would go there and he would be put to work? A. The man would go there and if the chief wanted him he would put him to work.

Q. Do you know whether he wanted him or did want him he would put him on the pay-roll? A. Oh, no.

Q. You never knew anything of that kind to happen? A. I don't remember anything of that kind happening; I should have been apt to have kicked about it if there had been.

Q. But what you say is that all the men that were employed and sent there for employment were really needed? A. No; not all that

were sent there, were perhaps not really needed, but all that were employed were understood to be needed.

Q. Well, all that were sent there and placed on the pay-roll were really needed? A. That was the presumption.

Q. Well, I know, but you have used so many presumptions, I want to know whether you know it as a fact? A. Well, I have to use presumptions, because you are asking me about things that have gone out of my mind; I don't want to state as a fact when I only presume.

Q. Well, that goes to the character of your conducting the business there, Mr. Murphy; if you send men there to draw their pay as sinecurists you would know that? A. I would know that, yes; I never sent a man there as a sinecurist.

Q. Well, did any of your colleagues? A. I don't know that they ever did; I have no recollection of any such thing.

Q. But you say that no men were employed or were sent to the chief engineer whom he didn't ask for? A. I think so; it was customary in the department to send men to the various superintendents with letters, and give the superintendent or the chief the opportunity to hire or not hire.

Q. Well, wasn't it customary to do that when such letters came, for the superintendent or chief engineer to employ them, they coming recommended, and with a letter from the department? A. Well, I think in all the letters that I sent, there were two or three of them that he employed the men; he was satisfied that they were good men; but further than that I couldn't say.

Q. There was no desire on the part of the commissioners at that time to stop the pay-rolls at all? A. Not at all; the desire of the commissioners was always not to have the pay-roll too high.

Q. And when you saw it at over \$6,000, you didn't consider it was too high? A. No.

Q. It had still a limit to go up to, say 10 or 12? A. Because a large part of the pay-roll would be afterward charged over to the special accounts.

Q. What was your rule with reference to paying men who did no work? A. Well, the rule that I had was not to pay them.

Q. Did you know that that was carried out? A. I couldn't say that it was in every instance.

Q. Who did you rely upon for that? A. Relied upon the chief in making up his pay-roll.

Q. So it was immaterial whether a man had work—immaterial to you at least, from the standpoint of knowledge, whether a man had work a whole month or hadn't worked at all, as long as the chief engineer reported that he had work? A. If I had had occasion to suspect that any man was on the pay-roll that didn't work, I wouldn't have paid him.

Q. But never suspecting the chief engineer or the man, the man was paid? A. Yes.

Q. And you say you never but once looked through the time book of the chief engineer? A. I only looked then to see how he did his work; not critically, but just to know how the business of the —

Q. Just a casual look? A. Yes, just to see how he did it; enough to compare it for any particular man or instance, but to know his methods.

Q. Do you recollect whether you noticed any peculiarities on the time book? A. No, sir; I don't remember that I did.

Q. Any marks or signs or anything of that kind? A. No.

Q. Never saw anything? A. No, nothing except to indicate whether a man was working or not working.

Q. You don't recollect that any particular mark or sign was called to your attention, either by looking or in any other way? A. Don't remember that there was.

Q. And you never sought to become more familiar with that time book? A. No; if his method was correct I assumed that the results would be correct.

Q. You concluded then from that casual look at the time book that his methods were correct? A. The chief had a clerk to assist him, and a man that I had confidence in.

Q. Oh, that was another man you had confidence in; now, who was that? A. That was Larkin, I think his name was; Larkin.

Q. Do you know whether he is still in the department? A. I don't know.

Q. And he was the one that kept the time of the men? A. Well, he was the clerk and assistant to the chief in a general way.

Q. How long have you known Larkin? A. Well, it was the second year that I was in the department.

Q. How did you come to have so much confidence in him? A. Oh, only judging from the appearance of the man and the inquiries that I made; I met him up at Albany, the only time I was ever up there.

Q. He was lobbying for the same bill that you were? A. No; I think he was assistant postmaster in the house or something of that kind.

Q. And you had confidence in him by meeting him up there? A. Well, I was introduced to him and he gave me some assistance in various ways that I wanted, and afterwards I continued the acquaintance when I came down to Brooklyn.

Q. How many times did you go to Albany? A. I think I went twice.

Q. On what bill was that? A. It was on the bill of the board of commissioners of charities to have St. Johnland put under their charge, and upon the bill of the board of supervisors to have everything put under their charge; two bills that were diametrically opposed to each other.

Q. Yes; you went up to use your influence with the legislators to have the bill that you were interested in, to have St. Johnland put under your charge, passed? A. I went up particularly to attend the meetings of the committee on cities, the Assembly and Senate committees on cities, I think.

Q. The cities committees? A. I think so.

Q. Who had charge of those bills? A. Yes; the bills had been referred to them.

Q. And that bill was passed giving you charge of St. Johnland? A. No.

Q. What then? A. Both bills were defeated.

Q. That year? A. Yes; the supervisors' bill was defeated and our bill was defeated.

Q. And you say you were up there twice? A. I think I was up there twice.

Q. Do you recollect what your expenses were that year? A. No; I don't know what they were, because a large part of them were paid by the president of the board; the board at the hotel and so on was paid by the president; he paid all bills; I think my bill was only for fares; I may have had an account of \$10 or \$12.

Q. Didn't you have passes when you went up there? A. Never had a pass in my life.

Q. Do you know whether the president had a pass? A. I don't think he did.

Q. Who else was with you on that trip besides the president and yourself? A. Well, the next time that we went up, the president, Mr. Nolan, Mr. Quintard, the counsel of the board, and I think the secretary and the storekeeper.

Q. The secretary, Mr. Lamb, the storekeeper, Mr. McLoughlin; was Mr. Hayes too among the — A. I don't remember that Mr. Hays was up there; I think that Mr. Hays was up there; I think that Mr. Hays was up there on one occasion.

Q. Do you know what the expense of this trip was? A. I don't remember now that Mr. Hays was there, because we went up to see the Albany penitentiary, or undertook to, and I didn't go; and I think that Mr. Hays was there.

Q. Well, you went up simply for the purpose of helping to beat one bill and get through the other; that was it, wasn't it? A. Yes.

Q. And you took a personal interest in that, and so did Commissioner Gott? A. Yes.

Q. So did McLaughlin and Storekeeper? A. Yes.

Q. So did Mr. Lamb, the secretary? A. Well, my recollection of it is like this, if you care to get it; the buildings at St. Johnland should have been ready on the day that I went into office, the 1st of January, 1890, and in January, 1891, not one of them was anywhere near completion; they had been over a year dragging along, so when the legislature went into session we consulted with the counsel about the propriety of attempting to get control of those, of the County Farm, so that we could get the buildings put up and occupied; and he drew up a bill and it was sent up to the Legislature; and the board of supervisors sent their legislative committee

up there and represented that there was nobody behind our bill; that it was only the counsel of the board that was trying to get a little glory out of it, and that if the charity commissioners wanted their bill passed, they should come up there and attend to it, and advised that we should come up there and attend to it.

Q. And so to refute the statement made on behalf of the board of supervisors, that you were not interested in the bill, or behind it, you went up and showed that you were? A. Yes.

Q. Yes; for all of which the county did pay? A. The county did pay.

Q. Where did you get your law from to pay for this trip of yours, Gott, Nolan, Quintard, Lamb and McLaughlin? A. Under that general clause that I read.

Q. In the act of 1880? A. Yes; we thought that —

Q. That you could even spend the money of the county for taking a trip to Albany? A. Yes, thought it was a proper and legitimate use.

Q. Well, suppose you had thought it was proper to take a trip to Europe with the entire force of the department, you would still have relied upon the act of 1880? A. If that had been for the benefit of the poor of the county it might have been so.

Q. You considered this was for the benefit of the poor of the county? A. I certainly did.

Q. But the board of supervisors, which was the legislative body of the county, thought that their bill was for the benefit of the county; that is true too, isn't it? A. I understood they spent several thousand dollars to enforce their view; I believe the supervisor at large refused to audit their bills.

Q. They spent several thousand dollars to do what? A. I suppose to show that theirs was the proper view of the case.

Q. You mean in lawful expenses to Albany? A. I don't know what their expenses were for.

Q. You mean in the same way that you spent several hundreds, they spent several thousands? A. I don't know what way they spent theirs.

Q. Where did you get the information that they spent several

thousands? A. Because I remember that the bills for their expenses were vetoed; I have that recollection—vetoed by the supervisor-at-large at that time.

Q. Well, you all went up there simply to attempt to get this bill through; none of you were legislators? A. What is that?

Q. You all went up there simply to use your influence — sort of lobbying, wasn't that all? A. I didn't go up there to lobby, because I didn't know anybody to lobby with.

Q. Who did you go up there to lobby? A. I don't know; I appeared before the Senate committee and tried to show our side of the case — the cities committee — several times.

Q. And you say that you considered that the act of 1880, permitted you to expend moneys in that way? A. Yes.

Q. And that bill didn't go through the board of supervisors? A. It didn't go through the Legislature.

Q. No; No; I am speaking now of the bill for the junketing trip; that didn't go through the board of supervisors? A. Our bill didn't, no.

Q. And it was paid by you from funds in your hands, as treasurer of the board of charities? A. Yes; under resolution of the board.

Q. Yes; under resolution of your board? A. Yes.

Q. There were various bills, one by the president of the larger amount, then several small bills by other members? A. The bill of the president was greatly larger than the others because he paid the hotel bills.

Q. And the wine? A. I don't know that he paid for any wine; I didn't get any of it if he did.

Q. Mr. Gott testified that some of that money, his bill, was over \$300, his bill alone was over \$300; he thought there was some of it went for wine; you never got any of the wine? A. I never got any of the wine; no; I think I got a glass of the supervisors' wine.

Q. Of the thousands they spent? A. Yes.

Q. In 1889 and 1890, Mr. Murphy, there was an article advertised for as "bodies for gas burners," and they were advertised for five gross, and the amount bid was \$1.40; in 1890 and 1891, the price rose to \$1.50, and in 1891 and 1892, the price rose to \$2, and in 1892

and 1893 the price rose to \$3 a gross; originally, or in 1889 and 1890, only five gross were advertised for, and this amount remained the same for several years, until 1892 and 1893, when the amount was raised to \$3, when 10 gross were advertised for; do you know anything at all about that; do you know what 10 gross of bodies for gas burners could possibly be used for in those institutions? A. No.

Q. Ten gross means 1,440 bodies? A. That seems to be a very large quantity; I know that there was a general overhauling of the gas pipes and so on at the asylums.

Q. But 10 gross of bodies for gas burners seems to be quite a large quantity, and at the largely increased price it looks somewhat peculiar; do you know of any reason for it? A. No.

Q. Do you know whether bodies for gas burners had suddenly risen in value? A. No, sir; might have been a different style of gas burner; I don't know as to that.

Q. Advertised exactly the same in all the advertisements? A. Not as per sample?

Q. Not as per sample. A. I don't know of any reason.

Q. In 1889 and '90 they advertised for 10 gross of lava tips, which were bid at that time at \$1 a gross; they rose in 1890 and '91 to \$1.25 a gross, and in 1891 and '92 they rose to \$1.50 a gross, and in 1892 and '93 they rose to \$2 a gross; do you know whether lava had risen? A. I don't know whether the volcanoes were in operation then or not.

Q. Perhaps if the volcano was on strike lava might have risen that year? A. I don't know of any reason for the advance; the bidder, of course, makes that advance; I don't know of any reason for it.

Q. And the bidder makes the advance, yes; but I want to know whether that advance in the price was the cause of a marketable advance or whether that was the guess of the bidder, the successful guess; you don't know anything about it? A. I don't know anything about it.

Q. In 1889 and '90 there was an advertisement for "Water-closets, Bartholomew, with hands, valves and seats complete;"

and they advertised for one dozen, the successful bidder bidding \$96 per dozen; in 1890 and '91 you advertised for the same article exactly, and the successful bidder reduces the bid to \$84 a dozen; you advertised in the one year for six dozen; that is, in 1890 and '91 you increase to six dozen what had been advertised the former years but one dozen for; of course, you knew whether you needed six dozen, or supposed you would need six dozen water-closets that year; but the bidder reduces the bid to \$84; in 1891 and '92 the same article is advertised for at the same figure, the amount advertised for being reduced to two dozen; in 1892 and '93 the same article is advertised for, and it is then reduced to \$10 a dozen; only two dozen advertised for; none taken that year; do you know what caused that particular fluctuation from one to six dozen; from six dozen to two dozen? A. No.

Q. Do you know whether there was this extraordinary decrease in the value of that particular kind of Bartholomew water-closets in those particular years? A. I don't believe that there was.

Q. This was another idiosyncrasy simply of the bidder? A. Well, I would hardly apply that word to the bidder; I don't think he was a man of idiosyncrasies.

Q. You know who it was? A. No.

Q. Well, how can you judge that he was not— A. Well, the bidders in those classes of goods were not men—

Q. Brooks was the bidder; you have met him, you say, as a contractor? A. Yes.

Q. In 1889 and '90 they advertised for "Russia sheet iron, clean, best quality, 2,000 pounds," and the successful bidder bid 11 cents; in 1890 and '91, the same item is advertised for in the same language, and the same amount is bid, 11 cents a pound; in 1891 and '92 the same item is bid upon, and it is then raised to 12 cents a pound; and in 1892 and '93 the item is again 12 cents a pound; now, this Russia sheet iron in all those years, except in the year 1889 and '90, forms a part of a large class of iron under the head of "Engineer's supplies, cast-iron pipe and fittings;" in 1889 the bid was 11 cents for sheet iron, Russia; $4\frac{1}{4}$ cents for sheet iron, wrought, and 3 cents for wrought iron, No. 12; in 1890 and 1891

the Russia iron is bid for at 11 cents, the sheet iron, wrought, at $4\frac{1}{2}$ and the wrought iron, No. 12, at 3 cents; and in 1891 and 1892, when Mr. Burkett becomes the successful bidder, the bid reads thus, sheet iron, Russia, 12 cents; sheet iron, wrought, 2 cents; wrought iron, No 12, 1 cent; do you know whether that was the item that you called Mr. Bukett's attention to, Mr. Murphy? A. I think it would be one of the items.

Q. Well, was it; was it, do you know? A. No; I couldn't say positively.

Q. Now, in 1892 and 1893, Mr. Burkett still continued to be the successful contractor; the item changes again, and he gets 12 cents for Russia sheet iron, and he bid one-half cent for wrought sheet iron, and one-half cent for wrought iron No. 12; the only item taken is 1,000 pounds of Russia sheet iron at 12 cents; do you know what was the cause of that? A. No.

Q. Did you know anything at all about that fact until you hear of it here? A. The fact of his bidding at that price?

Q. Yes. A. Oh, I must have known of it.

Q. And did you investigate it that year? A. I don't remember especially about it.

Q. When you sent for Mr. Burkett, or when he came, or his son, did you go over all these peculiar items, or only a few? A. A few of the prominent ones; perhaps 25 or 30 items in the bid.

Q. Showing these peculiarities, one cent and two cents and three cents? A. Yes, sir.

Q. And then he said, or his son said, that he would comply with his contract; do you know whether wrought sheet iron, or wrought iron, was that used in the department in the year 1892 and 1893? A. I do not.

Q. Do you know whether in the fiscal year of 1892 and 1893, wrought sheet iron was bought under the emergency account? A. I don't remember it.

Q. Do you know, Mr. Murphy, that many articles—I will use the term “some,” for you may disagree with me on the term “many”—but some of the articles that were not taken, not called for, under the schedules, because the price was very low, or for some other

reason, were actually bought under the emergency account? A. Well, at some other time.

Q. No; during the same year? A. No; I don't think that would be so.

Q. You don't believe it to be so? A. Oh, no; I don't think it could be so.

Q. Do you say it was not so? A. I don't say it was not so; if you have any special instance —

Q. You simply have an idea that it was not so; is that right? A. What would be bought under the emergency clause would be, for instance wrought iron, would be some special size or special quality; something that wouldn't be covered by the schedule.

Q. I am not referring to wrought iron at all now; I am speaking of articles generally on the schedule? A. Oh.

Q. I ask you whether you don't know that articles generally upon the schedule, of various kinds, were purchased under the emergency account, under the emergency bill or law, that could have been taken under the contract? A. I don't recall any such items.

Q. Do you say you don't recall a single one? A. No.

Q. Don't recall that I called your attention to any? A. Well, I might, if you called any special article, I might remember something about it.

Q. I called your attention to a horse, didn't I; you recollect that now? A. Yes, I recollect that there was a horse.

Q. You don't recall any other item? A. I don't recollect any other item.

Q. Do you recollect that horse item, whether you called the attention of your colleagues to the fact that you had a contract for horses; or wasn't it called to their attention? A. I don't remember that I called my colleagues attention to it.

Q. Well, was your attention called to the fact that you were purchasing under the emergency clause something you could have purchased under that schedule? A. I don't think it was.

Q. Then you wouldn't necessarily have known that certain articles were purchased under the emergency clause that might be brought under the schedules; you didn't examine each emergency bill? A. I went through all the emergency bills after—

Q. After they had been bought? A. After they had been bought, yes.

Q. But I am speaking now before the bill was brought; when a requisition was sent down under the emergency clause did you compare it with the schedule in order to see whether that article asked for what was not on the schedule? A. Sometimes I did that, but not always.

Q. Can you mention a single article in which you didn't? A. No, I couldn't mention one.

Q. Well, if you didn't do it at all times, or only sometimes, then it might have occurred very frequently that items were called for under the emergency clause which might have been, and probably were, contracted for under the schedules? A. In looking through the requisition I would depend upon my memory as to whether a thing was on the schedule or not, usually.

Q. Yes, but you have already said to me that you couldn't recollect three or four or five thousand items? A. No, but the things were ordinarily upon the schedule; if one of those was called for in a requisition as an emergency item I would be apt to remember that.

Q. And if you didn't remember it what would you do about it? A. Well, I would call the attention of the clerk to the fact that that was on the schedule.

Q. And then give directions that it musn't be bought under the emergency account? A. No.

Q. What, then? A. Give directions that it should be bought under the schedule.

Q. Well, you would give directions that it shouldn't be bought under the emergency account? A. Oh, yes; excuse me, I misunderstood you.

Q. And you knew that that direction was always carried out; or did it never happen; are you simply giving a suppositious case, or did you give a case that actually happened? A. A case of that sort would occasionally happen.

Q. And do you know whether your colleagues acted in the same way on emergency bills? A. I know that they did.

Q. Do you know any emergency bills that were approved by Mr. Gott and Mr. Nolan that were not approved by you? A. I can't say; I don't recollect.

Q. It was rather a unanimous board, wasn't it? A. Rather.

Q. Whatever Gott and Nolan agreed upon, you usually agreed to, didn't you? A. Well, in the matter of bills they would be more apt to agree with me than I would with them.

Q. But regardless of that, you three agreed generally? A. We agreed generally.

Q. Do you know whether there was a single disagreement between you three during the entire time you were together in the board? A. Yes.

Q. A disagreement that appeared as a record by a vote; a no when they voted aye, or the converse of that? A. Yes, I remember one; I recall one.

Q. What was that? A. That was on the removal of Gilbert Hicks.

Q. Do you recollect a single other occasion when you voted no

Q. And they voted aye; and that was in the first part of your administration? A. I think it was in the first three or four months.

Q. Do you recollect a single other occasion when you voted no on a removal or appointment? A. I don't recall special instances.

Q. The minutes don't show it either, Mr. Murphy? A. No.

Q. It shows that they were a marvellously unanimous board? A. The minutes would show that the man was appointed.

Q. Yes, but it doesn't show the record of the vote? A. It doesn't show whether appointed unanimously or not as a rule.

Q. So that if there were any difference in unanimity which characterized the board, it probably happened only in executive session?

A. If there was a difference in regard to the appointment it usually wouldn't show upon the minutes; if a majority of the board favored it, voting for it, it would be put, "So and so was appointed."

Q. Mr. Murphy, I have here about an additional hundred of items on these schedules that show the same characteristics as all the items to which I have already called your attention; I would like to save the time of this committee if I could, and yours, by lumping

these items if I could get from you by reading the items, without going through the details of the various schedules, your recollection in them; and I will read them for you, and I would like to know from you when I read them whether any of those were items that you compared the bids of any of the years that you were there; do you recollect an item of galvanized iron? A. No.

Q. Malleable iron ears? A. No.

Q. Sheet zinc? A. No.

Q. Iron wire? A. Iron wire, I think of something that —

Q. You think you recollect making a comparison of iron wire? A. I think so.

Q. Now, in 1889 and '90, iron wire was advertised for, 25 pounds, and it was bid four cents a pound; there were five kinds of iron wire, one of 0 to 6, one of 7 to 9, one of 10 to 11, one of 12 to 13, and one of 15 to 16; and the amount advertised for was from 25 pounds to 15 pounds; all of it was bid at 4 cents a pound; in 1890 and '91 the same item appears, but only four different classes, and they are classed in this wise: Nos. 0 to 6, Nos. 7 to 9, Nos. 10 to 11, Nos. 12 to 13; you advertised for 50 pounds of each kind, and the bid is again 4 cents a pound; in 1891 and '92, the class is increased by one, so that it reads, 0 to 6, 7 to 9, 10 to 11, 12 to 13, and 15 to 16, and the bid that year, Mr. Burkett being the bidder, shows his marked characteristics; the 0 to 6 he bids 6 cents a pound for, and the 15 to 16 he bids 6 cents a pound on, and all the rest 1 cent a pound, all being wire, and all the former bidders having bid the same amount per pound; do you know what caused that, and did you compare that item? A. I think I did.

Q. And in comparing it did you state to the engineer he better buy some of the wire at 1 cent a pound? A. I don't think that I did; I see that the wire he bids the highest price was the large wire and the small wire.

Q. Yes, the largest and the smallest; you don't recollect saying anything to the engineer? A. I don't remember.

Q. You say you compared those bids in the various years? A. Yes; you don't mean with each other?

Q. Yes, with each other? A. Each other.

Q. In 1892 and 1893, the peculiarity is a little different; the highest bids then made are on the wire 0 to 6, 7 to 9, and he bids, 0 to 6, 10 cents a pound, 7 to 9, 4 cents a pound, and all the rest $\frac{1}{2}$ cent a pound; now when you compared those bids what did you do about it; stop at the comparison? A. Naturally I would call the attention of the engineer to those prices and advise him to buy those cheap wires; see if he couldn't make them answer his purpose, whatever it might be.

Q. And of course you then inquired afterwards whether he did or not? A. No, I don't think I would.

Q. Didn't find out? A. And if he didn't do it, why I wouldn't know that until a year or a year and a half afterwards, when the accounts were made up.

Q. You never kept memorandums of those things in order to verify them at the end of the year? A. No, not as a rule; I may have made occasional memorandums; I presume I did.

Q. Now do you recollect anything about cast-iron pipe? A. No, I don't have any special recollection of it.

Q. In the schedule of 1891 and 1892, the bid price for 4-inch water pipe is 30 cents a foot, and for 6-inch, 1 cent a foot, and for 8-inch 1 cent a foot; in the schedule of 1892 and 1893 the bid is 45 cents a foot for 4-inch; 25 cents a foot for 6-inch, and $\frac{1}{4}$ cent a foot for 8-inch—Burkett's bid; was that another thing that was called to your attention? A. That was a thing that I would have noticed.

Q. And that was another thing that you told the engineer to buy some of the cheaper kind? A. Well, I don't know as to that; cast pipe would be used for repairs altogether.

Q. For what? A. For repairs, in case there was a breakage of pipe anywhere, then pipe would be called for that purpose, but not otherwise.

Q. But you didn't tell him if he needed pipe for repairs he should buy the cheaper kind? A. Oh, well, he couldn't repair 4-inch pipe with a 6-inch; he would have to use the pipe like that that was laid already; occasionally a sewer would break down or something of that sort and it would have to be repaired.

Q. Do you know that in the entire department there was in fact any pipe of 6 or 8-inch used? A. No, I don't know that as a matter of fact.

Q. So that if the bidder knew that no 6 or 8-inch pipe was used in the department, consequently couldn't be repaired, then he was perfectly safe in making his bid so low? A. I think I said yesterday that Mr. Burkett, knowing all about the institutions and lay of the pipes and all that sort of thing, and how old the work was, was in a condition to make pretty safe guesses.

Q. I think you also said yesterday that Mr. McCanna, the chief engineer, knew it much better than Mr. Burkett? A. Mr. McCanna should have known as much as Mr. Burkett, but then Mr. McKanna I don't think made Mr. Burkett's bids for him.

Q. Of course; didn't even suggest to him certain things that should be bid on high or low; you don't think that either? A. No; I don't think that Mr. Burkett is a man that would ask for a suggestion of that kind.

Q. You don't think that? A. I think he was a man of too high a character.

Q. So that you think in all this peculiar bidding he had no information at all; that he was simply guessing what would be used and what would not be used; used his sagacity, with the knowledge that he had of the department? A. I think so.

Q. And that was his great success in guessing year after year correctly was due simply to the knowledge that he had as a contractor? A. Well, he was competing with other guessers.

Q. Do you know anything about the item of iron rivets? A. No.

Q. Or sheet rubber? A. The quantity of sheet rubber should be very small, that is the only thing; it was for packing in the engines and pumps.

Q. You say it should be very small; do you know anything about it? A. Well, as to how large it is?

Q. No, as to the peculiarity of the bidding? A. No.

Q. Or its comparison by you with the bids of previous years? A. No.

Q. Do you know anything about rubber gaskets? A. I don't recall the item; I know what they are and what they are for.

Q. Do you know whether you compare that at all with — A. No.

Q. Know anything about the item of leather belting? A. Yes, I remember that item.

Q. What causes you to recollect that, Mr. Murphy? A. Well, because it would be an item—there would be considerable belting called for ordinarily in the course of a year.

Q. That was also an item that you gave emergency orders to Mr. Campbell for? A. Yes; that was for an endless belt, I think, for an electric machine, dynamo.

Q. And repairs also? A. It would be different from an ordinary belt.

Q. In 1889 and 1890, the leather belting, there are 10 items of leather belting; in 1890 and 1891, there are but nine; in 1889 and 1890, the largest quantity of leather belting of any particular size is 400 feet; that is of 3-inch; in 1890 and 1891, that has increased to 500 feet; the bidding in those years is very peculiar; 1889 and 1890 the bid on 1-inch leather belting was six cents; in 1890 and 1891 it was 12 cents; on 1½-inch it was 10 cents; that is raised to 25 cents; on the 2-inch it was 11 cents, that is raised to 35 cents; 3-inch it was 22 cents, that is raised to 45 cents; the 4-inch is 40 cents, that is raised to 60 cents; the 6-inch is 50 cents, that is reduced to 12 cents; 8-inch was 70 cents, that is reduced to nine cents; single ply, two and one-half was 10 cents, and that is reduced to six cents; the 2-inch was seven cents, is reduced to five cents; and 1½-inch, that was six cents, is reduced to— isn't there at all that year, in 1891 and 1892—I only read this, Mr. Murphy, because you say you made comparisons of that item; I am skipping all the items that you have not made comparisons of—to show you the peculiarities of the bidding, and so that you may give such explanations as your comparisons gave you at that time; in 1891 and 1892, you increased the number of items in that particular class to 12; you had but nine the year before, now it is 12, and the bidding shows marked characteristics of certain successful bidders under your administration, and this particular one, who is Mr. Burkett; 3-inch this time begins with 40 cents 4-inch, 50 cents; 6-inch, 52 cents; 8-inch, two cents; the 10-inch, two cents; the 12-inch, 1 cent; the 18-inch, triple ply, two cents; sin-

gle ply, 1-inch, 10; 1½-inch, 12 cents; 2-inch, 10 cents; 2½ inch, 15 cents, and the 3-inch, 13 cents; you made those comparisons did you, Mr. Murphy? A. When you say I made those comparisons, if you mean I compared it with previous bids —

Q. Yes? A. No, no; I wouldn't compare the bids with previous bids.

Q. I understood you to say that there were some items you did make comparisons of previous bids? A. I did sometimes, yes, but that was not the rule; I don't remember comparing them with previous bids.

Q. You don't remember this at all? A. No; I would notice that difference in price; not with the previous bid, but the incongruities of price.

Q. You think those incongruities would have attracted your attention? A. Yes, sir.

Q. You think so? A. Yes.

Q. Let me read the bid of 1892 and 1893? A. I think an 18-inch belt at the price named would have attracted my attention.

Q. In 1892 and '93, while most of the bids of 1891 and '92, most of the articles, you didn't call for at all, you still added to the list of 1892 and '93 still one more, this being 12, where it was 13 the year before, and 9 the year before that; now the bidding shows still further incongruities, to use your own language; the 3-inch is 55 cents a foot; the 4-inch, 70 cents a foot; 6-inch, 60 cents a foot; 8-inch, 65 cents a foot; 10-inch, 90 cents a foot; 12-inch, \$1.50 a foot; then the triple ply, 18, 1 cent; triple ply 36, which is just added to it, it never appeared there before, 1 cent; single ply, 1 cent; 1½, single ply, 1 cent; the single ply, 2-inch, 20 cents; 2½-inch, 1 cent; 3-inch, 1 cent; the 1-cent items were not taken, but there was considerable of the \$1.50 leather belting used that year? A. That was the 12-inch, \$1.50?

Q. The 12-inch was the \$1.50? A. That wouldn't be a high price for 12-inch belting.

Q. You don't think it would be a high price? A. No; I should think that was a very reasonable price for that belting.

Q. Do you know how it came about that they never used any 12-

inch belting in 1889 and '90 — in 1890 and '91; do you know how that was that in those years they used no 12-inch belting? A. No; the 12-inch belt was a heavy belt and it might last two, three or five years, but when it gives out, you have got to have another belt.

Q. Well, they didn't advertise any in 1889 and '90, or '90 and '91?

A. Probably that belt was new at that time.

Q. You would suppose, if you advertised for it in 1891 and '92, that you needed it? A. Well, there was a probability that it might be needed.

Q. A probability that they would need it; but that is where the contractor and you differed, for the probability obvious with him was that you didn't need it, for he only bid 1 cent that year? A. Very probably the contractor inspected the very belt that was in there.

Q. If he inspected it he did that which you might have done also for the purpose of seeing whether that item should or should not be inserted? A. But in his judgment it might last another year, and in the judgment of the engineer it might have to be renewed during the year.

Q. Did you ever see a 36-inch belt used in any of the institutions?

A. Well, I don't remember that size belt.

Q. You don't remember seeing an 8-inch belt used? A. I have seen some very large belts used; there is a large belt in the penitentiary, that runs the machinery there.

Q. An 18-inch belt? A. I think it is.

Q. Do you know when that was purchased — A. I don't know that it is an 18-inch, but I should think that it might be that.

Q. Well, they did fully as much work in the penitentiary before 1890, or before 1891, as they did after, didn't they? A. They didn't do work that required as large a belt.

Q. When? A. Before 1890.

Q. Well, but they did after 1890? A. Well, I should think about 1891 or '92 there was an engine put in some twice or three times the power of the previous engine.

Q. Therefore, they used a larger belt? A. Yes.

Q. But if that was done in 1891 and '92, why didn't they buy one

those years? A. I don't know; I should think it was in 1892 though.

Q. In 1892 and '93 they bought none, no 18-inch belt; in 1891 and '92 they bought no 18-inch belt, and previous to that they didn't even advertise for any; in 1892 and '93, you advertised for 18-inch belt; you buy none, and you then add a 36-inch belt for the first time in all those years, and buy none; now can you tell me why that was done, unless it was in the interest of the contractor? A. Oh, I don't think it was put in in the interest of he contractor.

Q. Well, for what possible purpose could it be that these immense sizes of belts were added every year, from year to year, and none bought; I call your attention to this item because you say this is one of the items to which your attention was attracted, or which you compared; can you give any reason for it? A. I can only say the reason why it would be in the schedule, would be that it was on the engineer's list, an addition.

Q. Well, you give the same reason that you gave for the other hundreds of items to which I have called your attention, the engineer asked for it, put upon the schedule, you knew nothing about it, didn't inquire about it, and it went on? A. If he put an item of 36-inch belt on the schedule I would inquire why it was put on.

Q. Now did you inquire, the very thing I want to get at? A. I can't remember about that particular thing; I don't profess to remember at this time, at this date.

Q. Well, do you mean by that, when you say that you probably inquired about this item, that you inquired from the chief engineer? A. Oh, I would have inquired of the chief engineer about any item of that kind; I don't think there would be one chance in a hundred that would escape my inquiry of the chief engineer, but when you ask me a specific item, I can't remember at this time.

Q. I am asking you, that would be the only place you would inquire from, that would be the chief engineer? A. Yes; certainly.

Q. You wouldn't go to the institution? A. No.

Q. Then you adhere to your statement, if the chief engineer put a new item upon a requisiton for the new schedules, it is particularly attracted to your attention you would ask him about it, and if

his explanation was satisfactory, and if he would say, "We want it," or "We may need it," then it would go on; that was all there was to it? A. Yes.

Q. And your colleagues acted in the same way; you wouldn't verify his statement in order to see whether it could possibly — take the 36-inch belt, for instance — whether it could possibly be used, if he said he wanted a 36-inch belt? A. For a certain pump that supplied the water at St. Johnland, or for driving his machine shop there, that would be sufficient for me; I would know that there was a shop of that kind and that they used belts of that kind.

Q. But 100 feet of triple ply, 36-inch belt, leather belt, is an expensive article? A. Very.

Q. A very expensive article? A. Yes, sir.

Q. And you would know that it couldn't possibly be supplied at 1 cent a foot; you knew that? A. Yes, sir.

Q. So the bid must have attracted your attention, as well as the requisition? A. The bidder may have discounted the fact that we wouldn't get the shafts and so on when we expected to get it.

Q. A requisition, being a new item on the schedule, must have attracted your attention? A. Undoubtedly it did.

Q. Then you inquired from the engineer, and he said "We may use it"— A. That would be my usual course.

Q. And thereupon it was left in, and then when the bid came under your eyes and you saw that this new item which your chief engineer told you was necessary for the new fiscal year, saw the bid at 1 cent, and you, without being a dealer in leather belting, knew that that was an extraordinarily small choice, yet you did nothing at all about that part of it? A. Well, I would expect the engineer to put it on his requisition when he needed it.

Q. That is all that you know about that? A. Whether the price was high or low.

Q. That wasn't one of the items you made a memorandum of in order to find out whether at the expiration of the year the county profited really by this cheap bidding? A. No.

Q. Do you know anything about belt lacing; that is the lacing that is used for the purpose of joining the ends of the belts together? A. I know what it is; I don't know anything about it.

Q. Or lap welded iron tubes? A. I don't recall anything special in regard to them.

Q. Boiler tube cleaner? A. There were some boilers that had new tubes put in, but I don't know what year, and they would be kept on the schedule, certain quantities, because boilers were apt to give out.

Q. I am rather going over these other items hurriedly, because I want to get through if I can to-day with this class of examination and get through with you, Mr. Murphy; and I simply want to call your attention to these hundreds of items that I have made a memorandum of which show the same peculiarities as the other hundreds of items that I have shown you, namely the high price bid on certain articles that were used, the low price bid on articles that were not called for, yet appearing on the schedule from year to year, in order to find out if I can for you whether you have any particular memory as to any of these articles, whether anything special in them was called to your attention; and for that reason I am reading them out in this way; do you know anything about the—was there anything of that kind, hand hole gaskets, or as to ducks packing; iron washers? A. I don't recall anything special.

Q. Gas fixtures, asylum hall? A. No.

Q. You recollect nothing about the gas fixtures? A. Well, I don't remember anything.

Q. Let me call your attention to them; in 1889 and 1890, there were certain gas fixtures advertised for? A. Excuse me; what I had in mind was chandelieres; gas fixtures I don't recall anything about them.

Q. I called your attention to chandeliers at an earlier stage of this examination? A. Yes, I remember that you did.

Q. Do you recollect anything about bends, or wrought iron Eureka fire boxes; cast-iron pipe 8-inch; cast-iron bends 8-inch; any of those that attracted your attention particularly; you compared them? A. I don't remember.

Q. Brass water gates? A. I don't remember anything about them.

Q. Well, the peculiarity, aside from the prices, of the water

gates was that in the schedule of 1889 and 1890, and 1890 and 1891, you called for them, and advertised for them at so much each; in subsequent schedules you call for them at so much a dozen; do you know why that was changed? A. I don't remember what the water gates were used for.

Q. Do you remember the item of charcoal? A. No.

Q. Do you know why you didn't make your own charcoal there in St. Johnland? A. I think that would scarcely be practicable.

Q. You didn't inquire about that? A. With the sort of help that they have.

Q. There was a great deal of charcoal used there, and charcoal under your administration, the use of it increased by about 100 per cent.; do you know why that was? A. No.

Q. No reason for it all? A. I don't know of any reason.

Q. Do you know anything about rubber used for packing? A. No.

Q. This was a kind of rubber I guess which you referred to before, when I called your attention to sheet rubber? A. Yes; well, rubber for packing would be for packing steam chests and pumps and so on.

Q. Do you remember anything special about that? A. I don't remember anything special about it.

Q. Do you know what Tuyere irons were? A. No, unless they were for bales, for the bales of pails.

Q. Park urinals I called your attention to; do you know what marble slabs were used for? A. No.

Q. Do you recollect what Moss twist drills were used for? A. No, I don't remember the special use for them; I know what the article means.

Q. You know what the article is? A. Yes.

Q. Do you know why there was a change from former schedules; in the schedule of 1891 and '92, and 1892 and '93, the change was made from dozens to blocks? A. No, I don't; I don't understand what it means by blocks.

Q. And the price greatly reduced, from \$10 in 1892 to \$6 in 1892 and '93? A. No, I don't understand the reason of it.

Q. Do you know who suggested the change of the technical term from dozens to blocks of Moss twist drills? A. No; I have an impression that blocks might mean a set of drills of different sizes set in a block, but changes of that kind would naturally come from the chief engineer.

Q. You don't know that that was in the interest of the contractor? A. No.

Q. Do you recollect anything of air felting? A. No.

The committee here took a recess until 2.30 p. m.

PROCEEDINGS OF FRIDAY AFTERNOON, JULY 26, 1895.

Present — Messrs. Whittet, Schulz and Foley, of the committee.
Mr. Hugo Hirsh, of counsel.

George H. Murphy, being recalled for further examination, testified as follows:

Examined by Mr. Hirsh:

Q. Mr. Murphy, did you know anything particularly with reference to the matter of air felting? A. I don't remember that I did.

Q. It increased in price from $\frac{1}{2}$ cent a foot to 20 cents a foot in one year? A. I don't remember anything about that item.

Q. That is an item you didn't compare, so far as you recollect? A. No; I have no recollection of it.

Q. Cotton lamp wick? A. No.

Q. Or waste, clean picked waste? A. I think not.

Q. Do you know what that was used for, for machinery? A. Yes, for wiping off machinery.

Q. Do you recollect anything about steam kettles? A. The only one I remember about was the one that we talked of yesterday, Mr. Wakeman.

Q. That was on an emergency bill? A. Kettle or a heater; I think there was a heater, hot water boiler.

Q. There were three different kinds of steam kettles advertised for in 1889; one of 50 gallons, one of 90 gallons, and one of 222 gal-

lons; and they were bid upon, \$50 for the 50-gallon, \$65 for the 90-gallon, and \$185 for the 222-gallon; in 1890 and '91, the same items are advertised for, and they were bid upon, \$60 for the 50-gallon, \$100 for the 90-gallon, and \$200 for the 222-gallon kettle; in 1891 and '92, the same item appears, with this exception, that you now add an item; you have a 60-gallon and 90-gallon, 180-gallon, and a 230-gallon steam kettle, and they are bid upon as follows — Mr. Burkett then becomes the successful bidder and his bid is as follows: \$5 for the 60-gallon, \$5 for the 90-gallon, \$10 for the 180-gallon, and \$200 for the 230-gallon; do you know whether there was any particular difference in the values of steam kettles from that year and the year previous? A. Not that I know of.

Q. Was your attention called to that item that year? A. I think it must have been.

Q. And did you compare that bid, do you know, with other bids? A. I don't think I did.

Q. Worth while comparing, Mr. Murphy, don't you think? A. Well, not with the bids of the year previous.

Q. Why not? A. Unless we want to throw out the bid altogether.

Q. Well, the bid was very much cheaper this year, 1891 and '92, than the year previous; by comparison you would have noticed that and you would have been able to inquire what particular kettles they needed, and then bought the cheap ones, wouldn't you? A. If we had needed one of the cheap ones, it would have been called for on the requisitions; the price of the 230-gallon seems to remain about the same.

Q. In 1892 and '93, the bids have changed as follows: Steam kettles, the same items appearing, 60 and 90, 180 and 230 gallons, and 60-gallon bid for 10 cents; 180-gallon bid for, 10 cents; 230-gallon bid for, 10 cents, and 90-gallon, at \$100; do you know whether any of the cheap kind were bought that year? A. I don't know that any were bought of either kind.

Q. It would have been a good time to invest, don't you think, if steam kettles were needed in the department? A. It seems to be very cheap.

Q. Do you recollect anything about the Bundy patent radiator?

A. I know that we used these radiators.

Q. Yes, I know, but do you recollect whether that was an item of comparison with former bids by yourself? A. No.

Q. Or the matter of steam gauges? A. No.

Q. Or stub-cutting pliers? A. No, I think not.

Q. Oil cups? A. No.

Q. Mott's French bathtub? A. No.

Q. Hog troughs? A. No, I think not.

Q. Cambridge extractors? A. Cambridge extractors, I might have noticed that item.

Q. You might have compared that; do you know what the Cambridge extractor was, Mr. Murphy? A. Well, my impression is that it has to do with the laundry.

Q. Well, in 1889 and '90 they advertised for three Cambridge extractors, set up complete with counter-shaft and hanging, and the bid was \$220 for each; in 1890 and '91 the same item appears, and the item is increased to six advertised for, and the successful bidder bids \$225; in 1891 and '92, the same item appears and the successful bidder, who is immediately recognized by his bid, being Mr. Burkett, bid \$8 for them, a difference of \$217; did you examine that? A. I would notice a bid of that kind.

Q. You called attention to this item, that you might have compared that bid; now that would be a matter that would cause quite some inquiry, wouldn't it, on your part, to see an item at \$8 which was worth so much more? A. I should imagine that I should probably compare the price to see if it was furnished at that.

Q. And did you also see subsequently whether any of it was purchased by your chief engineer? A. No, I don't think I did.

Q. In 1892 and '93, the item still appears upon the schedule, and is then reduced to 10 cents by the successful bidder? A. That would give our successors a chance to buy them still cheaper than.

Q. Yes, but they may not have had any need for them from the beginning; you kept them on for all these years and didn't buy any for any of the prices; you say that is one of the items you may have compared; why didn't you direct the purchase of them? A. It

seems that they were not wanted, or that one was not wanted by the department.

Q. Do you recollect the item of angle check valves? A. No.

Q. Or galvanized wrought iron hand suction or bilge plumps? A. No.

Q. Or bellows? A. I don't think that would attract my attention.

Q. Do you know of any reason why the size of the bellows was increased in the years 1891 and 1892, and 1892 and 1893? A. No.

Q. Do you recollect the item of water motor? A. I don't recall that item at all.

Q. You advertised in 1890 and 1891, for a water motor, Backus, Newark, N. J., one-half dozen, and the price bid on was \$250 a dozen; have you any idea what you used so many water motors for, or advertised that you might use them? A. No, I don't recognize that line at all by name.

Q. Then you advertised for one half dozen again in the year 1891 and 1892, and the price had gone up to \$400 a dozen; the same item was advertised for again in 1892 and 1893, advertising again for one-half dozen; came down to 10 cents a dozen; Now 10 cents a dozen for water motors is pretty cheap if you don't need them at all, don't you think Mr. Murphy? A. I don't know what the article is; I don't recognize the article.

Q. But didn't you seek to become acquainted with such articles that were high priced? A. I may have done so at that time, but I don't remember anything about it now.

Q. I notice you advertised for some blowers; I don't know that you really needed any in those years, but do you recollect any particular thing connected with them? A. No.

Q. Asbestos cement; asbestos sheeting? A. No.

Q. Asbestos packing? A. No.

Q. Steam pipe $\frac{1}{4}$ inch and $\frac{3}{8}$ inch; do you recollect anything about those? A. No; all those are common articles that I don't remember anything special about, in those that you have read.

Q. Burring machine? A. No.

Q. Conductors' stake? A. No.

Q. Hollow mandrill stake; do you know what those stakes were used for? A. I should suppose they were tinsmiths' tools and would be used in the tinshop of the department, if they were used at all.

Q. Hatchet stake? A. No.

Q. Improved cutting nippers; anything special with reference to those? A. No.

Q. Small, thick edge burring machine; do you recollect that item? A. No.

Q. Bench plate; steam pipes bearings from $\frac{1}{2}$ -inch to 12-inch? A. No, I don't recall anything special in regard to them.

Q. Well, in the schedule of 1889 and 1890, no larger size pipe was advertised for than 6-inch; 8-inch begins to appear on the schedules of 1890 and 1891; and 10-inch and 12-inch on the schedules of 1891 and 1892, 1892 and 1893; all these are bid upon by the foot; the fluctuation in that steam pipe is the same as I have already called your attention to the fluctuations in other pipe; while $\frac{1}{4}$ -inch pipe is a cent a foot, the 8-inch pipe runs up to \$1.12 a foot in 1890 and 1891; and in 1891 and 1892, the $\frac{1}{4}$ -inch is 2 cents a foot; the highest price on the list is 5 cents a foot, running all the way from 2, 3, 4 up to 50; and on the schedule of 1892 and 1893, the price of steam pipe per foot runs from 2 cents away up to \$2.20, and ranging as high as 25, 60, 75, 85, \$1.45, and \$2.20 a foot? A. Is the larger pipe on that?

Q. Yes, up to 12-inch, 12-inch being \$2.20; 10-inch, \$1.45; 8-inch, 85 cents; 6-inch, 75 cents; 4-inch, 60 cents; 3-inch, 25 cents, and the rest run down to 2 cents; while in the year previous the 12-inch was only 5 cents a foot, and the 10-inch 5 cents a foot; 8-inch, 4 cents a foot— A. Those were very low prices.

Q. Well, that would have been the time to lay in a stock of that kind of pipe? A. Yes.

Q. And steam pipe was constantly used in the department, wasn't it? A. Yes; those large sizes were not constantly used; those would be only occasionally used in case of repairs or something of that kind; the smaller sizes were used very constantly.

Q. The same fluctuations appear in the item of galvanized pipe,

2 and 3-inch; do you know anything special about those? A. No.

Q. Do you know anything special with reference to the globe or flat valves running from 4-inch to 12-inch? A. No; I don't recall anything special about it.

Q. Do you know anything about 3-inch safety valves? A. No.

Q. Or safety-valves of any size from 3 to 10-inch? A. No; those details would be left altogether to the engineer.

Q. I know, but the reason I ask you is whether you recollect any particular examination on your part? A. I don't remember.

Q. Of those items? A. No.

Q. Do you know how many items I have called your attention to, Mr. Murphy, on these schedules? A. Well, as I think it back it seems like a very long list.

Q. When I started in upon your examination you recollect I asked you what you would say if I called your attention to hundreds of similar items that I asked you one about; do you remember that? A. Yes.

Q. And you said you would say better after I had shown you the facts? A. Yes.

Q. I have now shown you these facts, that they exist, hundreds of them, in the neighborhood of 700 items, I have called your attention to, out of, of course, a schedule containing three or four thousand items, that is only a part; but can you now state what was the cause, in your opinion, of this marvellous method of bidding, unless it was by inside information on the part of the contractor? A. Oh, I don't see that it requires any inside information on his part; I mean collusive information; it would be only such information as he could pick up in the department.

Q. Do you say that that applies to all the items to which I have called your attention? A. Well, perhaps, not to every one; to nearly all the items.

Q. And to those items to which it does not apply how do you account for it? A. Well, I don't recall those items specially now, but I think that the same reason would govern them all.

Q. So that, in spite of all this peculiar bidding, by reason of which — not only the peculiar bidding, but the peculiarity in not

taking the goods that were bid upon at very small prices, you don't consider that there was anything else in it but the speculation on the part of the contractor and the coincidence that none of the smaller priced ones were for? A. Well, I don't know that none of the smaller priced ones were asked for throughout the schedule.

Q. The ones I have called your attention to are all I am speaking of? A. I know; but I presume you called my attention to special cases.

Q. I called your attention to all those cases; I called your attention to, and of those I am now speaking, hundreds of items; now, those hundreds of items, do you say that it simply shows a coincidence that the contractor guessed the proper item that would not be called for, and, therefore, put the article at a very small figure?

A. I think so; I think that is the rule; I don't recall any exception in the articles that you have mentioned.

Q. You think that is the only solution that there is to be put upon that? A. Yes.

Q. And yet in many instances you have given the answer that it showed very much as if the contractor had inside information? A. No; that he had special information — well, when I say inside information I mean from inside the department.

Q. Inside of the department? A. Yes.

Q. That is what I mean too? A. Yes.

Q. But when you use that expression, you don't mean that he had collusive information? A. Yes, that is what I —

Q. You don't mean anybody profited but the contractor; is that what you mean? A. Yes.

Mr. Hirsh — That is all the witness I have to-day, and I ask for an adjournment until a week from Monday.

Mr. Schulz: This hearing is now closed until Monday, August 5, at 10 o'clock.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON AFFAIRS OF CITIES AT A MEETING HELD MONDAY MORNING, AUGUST 5, 1895.

Present — Messrs. Schulz, Chambers, Keenholts and Hennessey, of committee.

Mr. Hugo Hirsh, of counsel.

Alanson E. Hallock, having been called as a witness and duly sworn by Mr. Schulz, testified as follows:

Examined by Mr. Hirsh:

Q. Where do you live, Mr. Hallock? A. Smithtown, Long Island, sir.

Q. How far is that from Kings Park? A. About five miles.

Q. You must speak a little louder, Mr. Hallock. A. About five miles.

Q. It is the next station beyond Kings Park? A. Yes, sir.

Q. What is your business there? A. Blacksmith and wheelwright.

Q. What is that? A. Well, we deal in wagons and harnesses and agricultural implements.

Q. You keep a country store there? A. Yes, sir.

Q. Did you do any work for the charities commissioners or the department of charities and corrections between the years 1890 and 1894? A. I can't recall the dates; 1894 — how many years ago was that?

Q. Between the years 1890 and 1895, I say. A. Oh, yes sir; no, sir; I done some before that.

Q. Before what? A. Before two years ago.

Q. I wish you would listen to me, Mr. Hallock? A. Yes, sir.

Q. I asked you whether you did any work between 1890 and up to the year 1894? A. I couldn't tell you.

Q. Why not? A. I think I have; I think probably I have, but I couldn't tell exactly.

Q. Don't you know in four years, stopping two years ago? A. I have done something in four years; yes, sir.

Q. And that is the best answer that you can give? A. Yes, sir.

Q. And have you got books in your business? A. Yes, sir.

Q. Did you bring them with you? A. No, sir.

Q. Did you bring memoranda of the work that you have done? A. No, sir; I swore to all my bills that I sent in here.

Q. Did you bring the memoranda with you? A. No, sir.

Q. Do you recollect the man that served you with the subpoena? A. Yes, sir; I know his face; that is the man.

(Witness indicates subpoena server.)

Q. Did you tell him that you thought you were not the man that was intended to be served? A. Yes, sir.

Q. Did you tell him also that you had business with the commissioners and that you would make a memorandum of the work and bring it here with you? A. Yes, sir; but I couldn't.

Q. There was so much that you couldn't do it? A. My son is my bookkeeper and he is sick in bed, and we have got evidence here to show that he is.

Q. Did you look over your books in order to see what you had done? A. No, sir.

Q. What is the character of the work that you did do? A. Horse-shoeing and fixing wagons and mending harness — painting and trimming.

Q. With whom were your transactions? A. What did you say, sir?

Q. With whom did you have transactions; who ordered the work? A. Different ones; in the first start it was Commissioner Reeves; he was the the first man that I worked for for the county.

Q. That was a great many years ago? A. Not such a great many; that was about the first of having anything done at our place.

Q. Have you any idea about how long ago that is? A. About five or six years.

Q. Very well; later than that with whom did you have work? A. Oh, yes, sir; I don't think I have had any in the last year; I don't know for certain.

Q. You can say something between six years and one year, can't you? A. I haven't done anything for the county, I don't think, in one year.

Q. Can't you understand my question? A. I would like to; yes, sir.

Q. Then listen to me; you say you did work six years ago? A. I think six years ago; yes, sir.

Q. Did you do work five years ago? A. Yes, sir.

Q. Who ordered it? A. Well, different ones.

Q. Who? A. Sometimes the drivers would come up and order it?

Q. Did you do work four years ago? A. In the first place, if you will allow me to say, the doctors used to pay the bills, and settle, and order the bills; first it was the commissioners, and then the doctors after that.

Q. Did you do work four years ago? A. Yes, sir.

Q. Did you do work three years ago? A. Yes, sir.

Q. Well, who ordered the work four years ago? A. I think four years ago—I don't know whether it was Kirby or who it was.

Q. Did Kirby ever order work of you? A. Oh Lord, yes, sir; he came up with lots of work.

Q. What kind of work was it? A. Horseshoeing and fixing tires; they didn't always come with it, and they sent their men and we done it for the county.

Q. Did he come or did he send a man? A. Sometimes he came himself and sometimes he would send a man.

Q. And everything you did for Kirby you charged to the county and it was paid? A. Everything I did for Kirby I charged to the county and it was paid; yes, sir.

Q. How many wagons did you make for the county? A. I don't think I made any.

Q. Did you ever make a buckboard wagon? A. No, sir; not for the county.

Q. Did you ever sell a buckboard wagon? A. Yes, sir.

Q. Who to? A. Gott.

Q. Who? A. Commissioner Gott.

Q. Do you know when that was sold? A. I think it was about three years ago.

Q. Was it not in 1892? A. Well, I wouldn't be positive.

Q. For \$110? A. No, sir; It was more than that; it is \$155, and I sent it to Plainfield, New Jersey and received his personal check for it; repaired a buckboard for them.

Q. What is that? A. I repaired a buckboard afterwards.

Q. I don't hear you, Mr. Hallock? A. I say I repaired a buckboard afterwards.

Q. How much did the repairing of the buckboard cost? A. Different prices

Q. You say you repaired one afterwards; how much did you get for repairing that buckboard wagon? A. I couldn't tell you exactly, sir; I can give it to you.

Q. Just listen to me; when you get through answering stop; did you make any other buckboard wagon for Mr. Gott or the county than the one that you sent to New Jersey? A. I never made any; no sir.

Q. Do you recollect rendering a bill for a buckboard wagon on the 9th day of August, 1892? A. No, sir.

Q. The 9th day of August, 1892; for one buckboard wagon, \$119? A. No, sir; I don't remember it.

Q. You never did that? A. I don't remember of doing it; no, sir.

Q. You don't remember of doing it? A. No, sir.

Q. Well, wouldn't you be apt to remember if you had done so? A. I sell 300 wagons a year; I can't remember the prices that I get for them without going to my books.

Q. I am not asking you particularly about the price; I am asking you for the fact—whether you sold a buckboard wagon about that time to the county? A. I never sold any; no, sir; I repaired one.

Q. You did not; don't you tell me something I don't want. A. I did not do it.

Q. You did not? A. No, sir.

Q. Did you sell a wagon for the dairy to the county in the month of October, 1892? A. Yes, sir.

Q. What kind of a wagon was that? A. A covered wagon—covered express—a milk wagon we call it.

Q. Do you know what you got for it? A. I think \$145; I would not be positive.

Q. One Hundred and forty-five dollars? A. I think so; I don't know.

Q. Do you know who ordered that? A. Mr. Kirby I think ordered it.

Q. Now, did you sell a top wagon to the county in October, 1892? A. That was a top wagon.

Q. I know, but another top wagon in the same month? A. No, sir.

Q. Was there ever a time when you sold two wagons in a month to the county? A. I don't think there was; no, sir.

Q. Do you know what a canopy top wagon would be? A. I don't understand you.

Q. Do you know what a canopy top wagon would be? A. Yes, sir.

Q. Would that be the same as the wagon for the dairy? A. No, sir.

Q. Did you sell those two wagons to the county? A. No, sir.

Q. Who made out your bill Mr. Hallock? A. My son.

Q. Your son did that? A. Yes, sir.

Q. Did you always know what the bills were for and what items they contained? A. Yes, sir.

Q. You looked them over yourself? A. Yes, sir; or had them read over and I listened to them.

Q. If you had them read over— A. I did not read them myself.

Q. You would not know what was in them unless the person who read them over read everything that was in them? A. No, sir.

Q. But if the persons skipped some items you would not know what was in them? A. No, sir.

Q. How long has your son been sick, Mr. Hallock? A. A week ago Friday he was taken down.

Q. What ails him? A. I forget the name; it is in his head; there is something the matter with his head.

Q. Did you know Commissioner Gott? A. I have seen him only twice and I have spoken to him only twice.

Q. Did you know Kirby? A. I do; yes, sir.

Q. You know him very well? A. Yes, sir.

Q. And you are quite intimate with him? A. Yes, sir.

Q. He frequently came to your place? A. He came quite often; yes, sir.

Q. And he comes there yet? A. No, sir.

Q. Well, he lives up that way? A. No, sir; he lives at Northport.

Q. He lives at Northport? A. Yes, sir.

Q. Was your son intimate with him? A. The same as me.

Q. How old is your son? A. He must be 30 now — 30 or 31.

Q. Did he come in contact with Kirby frequently? A. Every time he came up with work pretty nearly he would meet him and see him; yes, sir.

Q. Is there any way that you can refresh your recollection about whether these wagons were sold to the department in 1892? A. Not without seeing the bills; no, sir; they always paid me here, and I swore to my bills when I brought them in.

Q. This wagon that you sold to Mr. Gott, did you make it to order or did you have it on hand? A. No, sir; I ordered it from the Cortland Wagon Company and shipped it to Plainfield, New Jersey; I never saw it; I shipped it through to him.

Q. And it never came to your place at all? A. No, sir.

Q. And this dairy wagon, did you make that to order? A. No, sir; I had it in stock; I keep wagons in stock.

Q. So that if they wanted a dairy wagon they only had to send to you and get it? A. Yes, sir.

Q. Did you know Commissioner Nolan? A. No, sir, I never met him.

Q. Did you know Commissioner Murphy? A. No, sir, I never met him.

Q. And the only commissioner you knew during those four years from 1890 to 1894 was Commissioner Gott, and you only met him twice? A. Yes, sir; I met him twice; he was only to my place twice to my recollection.

Q. Did you have a talk with him? A. One time I was just introduced to him; the other time he just walked back and forth while Mr. Kirby got his horse fixed.

Q. He was there with Mr. Kirby, then? A. Yes, sir.

Q. Was it Kirby's horse that was being shod? A. I don't know.

Q. Don't you know, Mr. Hallock? A. No, sir.

Q. Was there anything said to you when Kirby's horse or Gott's horses came there, whether there was any distinction between them and the county's horses? A. Gott's horses I never knew of; but Kirby's horses, they are charged differently; but Gott's horses I never knew he had any here.

Q. No matter what they were, whether Kirby's or Gott's, or somebody's else's, they would come to you by somebody in their employ and you would shoe them? A. Yes, sir.

Q. And you would not ask whose they were? A. As long as they came from the county; no, sir.

Q. You charged everything to the county? A. Everything except Kirby's; Kirby told me about his horses.

Q. When did he tell you that? A. When he first brought them to have them shod for him — four or five years — and I never charged them to the county, and others I did not know and never was told any different.

Q. How many horses did Kirby have? A. One for quite a spell, and then he got two.

Q. Did he have any more? A. I don't know that he did; he never told me.

Q. He might have had a dozen and you would not know except they told you that these two were Kirby's and that the others belonged to the county? A. I wouldn't know; no, sir.

Q. Did Mr. Kirby ever buy goods of you personally? A. Oh, yes, sir; at different times; that is the way I sold the buckboard; I sold Mr. Kirby a buckboard, and Gott liked the buckboard and he sent through Kirby and got one like it.

Q. When did you sell to Kirby? A. I think a year before I sold Gott's.

Q. Did you charge that to the county, do you know? A. No, sir.

Q. Are you sure about that? A. I aint got my pay for it yet; I ought to know.

Q. Who did you send the bill to? A. To Mr. Kirby, of course.

Q. Are you sure it was not placed on the county bill? A. No, sir; it was not.

Q. Of course, you would recognize the bills that you got the money on? A. If he had paid me cash I couldn't have told.

Q. You would recognize the bills that you got your money on from the county? A. Yes, sir; I would swear to my indorsement on all of them.

Q. So that those are the only two buckboards that you sold — one to Kirby and one to Gott? A. Yes, sir; that is it.

Q. Did you ever see them use a buckboard in the county institutions in St. Johnland? A. Yes, sir.

Q. Which one was that? A. That was the one I repaired.

Q. Do you know where they bought it from? A. No, sir.

Q. They did not buy it of you? A. No, sir.

Q. Did Kirby use his buckboard in the county institution? A. Mr. Kirby's wife used his.

Q. Was she also living there? A. She was living on the county.

Q. She was living on the county? A. On the county farm; yes, sir; in one of the houses.

Q. And she used this buckboard that you sold to Mr. Kirby? A. Yes, sir; and he used it too.

Q. And he used it? A. Yes, sir.

Q. Was Mrs. Kirby an employe on the farm there? A. I don't know, sir.

Q. What is that? A. I don't know.

Q. But you know she lived there? A. She lived in the house there; yes, sir; on the county farm.

Q. So I understand from you that Mr. Kirby had his horse there, had his wagon there, and had his wife there, as far as you know? A. Yes, sir.

Q. Can you recollect what particular class of goods Mr. Kirby himself bought of you besides the buckboard wagon? A. Oh, he bought halters sometimes, and checkreins and bits, and maybe a

laprobe, but I couldn't swear to it; I can get every one of them, but I aint got them here; I can give you every one of them.

Q. I simply want your recollection, Mr. Hallock? A. I can't remember what he did buy.

Q. And everything he bought, whether he took it along or not, was charged to the county? A. No, sir.

Q. What then? A. He told me to charge it to him; I have got a bill against him yet.

Q. There were some things that he told you to charge to him? A. All that repairing to his wagon, if it was attached to that, and the shoeing, it was charged to him.

Q. Did you ever charge anything else to him? A. Not what he told me was to the county.

Q. Then what he told you to charge to him you charged to him? A. I knew his horse, and other things I did not know.

Q. If he had three horses and you only charged for the appliances for one horse, you would not know whether that should have gone to the county or to him personally? A. Not without his telling me; no, sir.

Q. You got your pay from the county treasurer at all times? A. Yes, sir; right downstairs here.

Q. And you received no money from anybody else? A. Oh, in the first start I did; the doctors used to pay; Dr. Macumber paid some bills.

Q. What bills did he pay? A. Whatever there was in his day, and then they made different arrangements, and I had to come down here.

Q. How big were the bills that he paid? A. Oh, sometimes for from \$10 to \$50.

Q. For small repairs? A. All my bills were small.

Q. All your bills were small? A. Quite small; yes, sir.

Q. You don't mean that, Mr. Hallock? A. Except when I sold them a wagon for \$145.

Q. And that only happened once? A. That is the only time; I sold them a milk wagon and that was a top wagon.

Q. What would you say if you saw several bills of yours with wagons on? A. It wouldn't be from me, that is all.

Q. It could not be from you, you are confident of that? A. For repairing wagons there might be several.

Q. I am not speaking of repairing wagons; I am speaking of wagons bought from you? A. Not a great many.

Q. And it would surprise you to see your signature on bills showing wagons? A. Yes, sir, it would; and I would like to see them.

Q. This buckboard wagon that you repaired, you say, of the county, was for one or two horses? A. It was a two-seater—either one or two.

Q. Did you see anybody drive that in particular? A. I think I have seen it pass, but I couldn't say where; I have seen it up to my place after I repaired it.

Q. Do you know who had it there? A. No, sir; I wouldn't say certainly I knew who had it there; I suppose I might—but I wouldn't dare to say positive.

Q. Was it Mr. Kirby? A. I think Mr. Kirby always came with his own wagon—a cart; he had a cart and a wagon; I sold him a cart also.

Q. He had a cart? A. Yes, sir.

Q. A one-seated cart? A. A two-passenger cart—two wheels; yes, sir.

Q. Was that charged to him or the county? A. That was charged to him and he gave me a check on the Northport bank for it—\$55..

Q. How many seats did the dairy wagon have? A. It didn't have but one, sir; that was a sliding seat and a footboard, you know; it was a business wagon.

Q. And the inside was empty—simply made for cans? A. It opened in the center; it was a milk wagon; a milk wagon opens in the middle, you know, and they get in through a door.

Q. Were those the only wagons—the wagon to Gott, the wagon and cart to Kirby and the dairy wagon to the county, that you sold there? A. That is all the new—those were new; yes, sir; I think that is all I sold to either Gott or Kirby or the county; I don't think I sold but one wagon to the county and that was the milk wagon.

Q. Did you sell them any old wagons? A. I don't know whether I have or not; I don't think I did.

Q. Did you sell an old buckboard wagon to the county? A. No, sir.

Q. That wagon you say you repaired? A. Yes, sir.

Q. You did not sell that wagon to the county? A. No, sir; I repaired it for them.

Q. But you did not sell it to them? A. No, sir.

Q. Did you sell an old canopy-top wagon to the county? A. No, sir; I don't think so; I had one from the county.

Q. You got one from the county? A. Yes, sir.

Q. How did you get it? A. They left it there for sale.

Q. When was this? A. I think it was about the time they got their new milk wagon; you will find it on my bills credited there for so much.

Q. That was in October, 1892? A. I think so; yes, sir.

Q. And did you sell it? A. Yes, sir.

Q. And you credited the county with that money? A. Yes, sir.

Q. What kind of a wagon was that? A. It was an old-fashioned surrey.

Q. That was an old-fashioned surrey? A. Yes, sir; a shifting top surrey — a two-seater.

Q. It was not a business wagon? A. No, sir.

Q. And who bought that, do you remember? A. I think a man by the name of Carney bought that; it is now at Kings Park, but not on the county — no; it is Kane, not Carney — a man who keeps a place at King's park near the depot; I think he has got it; I wouldn't be positive of that.

Q. Was he employed by the county at that time? A. No, sir; he has never been employed by the county that I know of.

Q. But you say he lives at Kings Park? A. Yes, sir; but it is not on the county's place.

Q. Did you ever make any repairs on harness for Commissioner Gott? A. Not that I know of; no, sir.

Q. Did you ever see a silver-mounted harness there that you repaired? A. I can't remember that I did; I have repaired a good

many harnesses, but whether they were Gott's or Kirby's, I charged them to the county, and that was the order; I don't remember seeing a silver or brass harness; I couldn't tell you; we probably have done both.

Mr. Hirsh — You will step aside, Mr. Hallock, I have sent for the bills, and when I get them I will show them to you; I will suspend Mr. Hallock's examination for the present.

James H. Holmes, having been called as a witness and duly sworn by Mr. Schulz, testified as follows:

Examination by Mr. Hirsh:

Q. What is your business, Mr. Holmes? A. I am in the liquor business and am also connected with the firm of Newman & Co.

Q. Where is your liquor business? A. At 680 Brodaway.

Q. Is that the only liquor store that you have? A. The only one that I have.

Q. Is that the only one that you ever had? A. No, sir; I have had two others—one other.

Q. Where? A. On North Sixth and Havemeyer street.

Q. When did you close that or sell it? A. Two years ago last April.

Q. So the one on Broadway and Whipple street— A. Yes, sir.

Q. Is the only one you have now? A. Yes, sir; the one on Broadway and Whipple street is the only one that I now have.

Q. And how long have you been in the liquor business? A. All together?

Q. Yes, sir? A. Seventeen years.

Q. In Brooklyn? A. In Brooklyn.

Q. And in the liquor business for yourself how long have you been? A. Twelve years I guess—twelve or thirteen years.

Q. And where were you first in the liquor business for yourself? A. North Sixth and Havemeyer streets.

Q. You had that store how long? A. For myself; I was employed there, and also owned it, I guess, for eight or ten years.

Q. You were first employed there as a barkeeper? A. Yes, sir.

Q. For whom? A. Felix W. Doyle, of Doyle Brothers.

Q. And how long were you there when you owned the place or purchased it? A. Well, I don't know; I was there three or four years, I guess.

Q. You were there three or four years, and then you bought out Mr. Doyle? A. Yes, sir.

Q. And then you ran the place yourself for how long? A. Well, three or four years, I guess; six years, I guess.

Q. Did you have any partner with you interested at that time in the business? A. No, sir.

Q. And when was it that you opened the place on Broadway and Whipple street? A. November, 1893—1894.

Q. The place which you now have on Broadway and Whipple street is a very handsome store, is it not? A. Yes, sir.

Q. What did it cost you to fix up that store? A. Stock and all?

Q. Yes, sir. A. About \$16,000.

Q. Did you sell out the place on North Second street? A. North Sixth.

Q. North Sixth street, I mean? A. Yes, sir.

Q. To whom did you sell? A. Luke Philen.

Q. What did you get for that? A. Four thousand dollars.

Q. Did you start the Broadway store before you sold out the North Sixth street store, or afterwards, or about the same time? A. Afterwards.

Q. So that a part of the purchase money of the North Sixth street store went into the new store? A. Yes, sir.

Q. And that has been all the business that you have been in—the liquor business, as a bartender and an owner, for the past sixteen years or thereabouts? A. Sixteen or seventeen years; yes, sir.

Q. How old are you? A. I will be 39 next Tuesday.

Q. Were you in any other business before you went in the liquor business? A. Yes, sir.

Q. What business was that? A. Mason and plasterer.

Q. As a journeyman? A. Apprentice; I served my time.

Q. When did you first become acquainted with Henry Newman?

A. I first became acquainted with Henry Newman I guess about eighteen or nineteen years ago.

Q. You went to school with him, did you? A. He was going to school when I became acquainted with him; I was around, not going to school, when he was—as schoolboys.

Q. Did you live in the same neighborhood? A. Yes, sir.

Q. What neighborhood was that? A. He lived in Havemeyer street near North Sixth, and I lived in North Seventh near Havemeyer.

Q. And what ward was that in? A. In the Fourteenth ward.

Q. Did you know Commissioner Nolan? A. Yes, sir.

Q. He lived in the Fourteenth ward? A. Yes, sir.

Q. And he was a Democratic leader in that ward? A. Yes, sir.

Q. And did you know Commissioner Gott? A. No, sir.

Q. You never knew him? A. Yes, sir; I met him about four or five times since.

Q. Is that all? A. That is all.

Q. You are not a relative of Commissioner Gott's either by blood or marriage? A. No, sir; I never met him until at an outing I think, one day.

Q. Do you know Mr. Murphy? A. I have met him.

Q. Michael Murphy? A. Michael Murphy?

Q. Yes, sir. A. I have met him; yes, sir.

Q. And you know him? A. Not very well; I have met him half a dozen times I should judge.

Q. Where did you meet him? A. The first time up to the charities board, the first time I think Mr. Newman got the contract.

Q. Were you up there that day too? A. Yes, sir; I was up there that day.

Q. Oh, yes; that was the day that Mr. Newman became the successful bidder. A. Yes, sir.

Q. In August, 1890 or thereabouts? A. Thereabouts; yes, sir.

Q. So you and Michael Murphy and Newman met that day? A. I was introduced to Mr. Murphy that day.

Q. By whom? A. By Mr. Newman.

Q. Did you have a conversation with him? A. No sir; nothing

except an introduction; Mr. Murphy, Mr. Holmes; Mr. Holmes, Mr. Murphy—and passed on.

Q. Wasn't there anything said by Murphy that day in your hearing? A. Not a thing.

Q. There was nothing said to Mr. Newman? A. Not a thing.

Q. Did you go there to the charities department with Mr. Newman? A. Yes, sir.

Q. And you came away with him? A. Yes, sir; I think so.

Q. And whatever conversation he and Mr. Murphy had must have been had when you were with them? A. I guess so.

Q. And there was nothing said between them except the ordinary introduction and passing the time of day? A. That is all.

Q. There was nothing said as to contracts? A. No, sir.

Q. And nothing said about Mr. Newman being the successful bidder and Mr. Murphy being the unsuccessful bidder? A. No, sir; the contracts were not opened then.

Q. Didn't you wait until the contracts were opened? A. I don't think I did.

Q. You say Newman went away with you? A. I guess he did, but when I left the contracts were not opened; he went back again I guess.

Q. What were you doing there? A. I was just a little curious.

Q. Curious about what? A. Curious about the contracts.

Q. Why didn't you wait until the contracts were opened then? A. It was too long; I couldn't spare the time.

Q. So that when they were opened you were not there? A. No, sir.

Q. You think Mr. Newman went back? A. I guess to find out the result.

Q. Did Murphy go away too with you? A. I don't know—not with me; no sir.

Q. Then Murphy stayed? A. I don't know that.

Q. Well, he didn't go with you? A. No, sir.

Q. Where did you and Newman go to? A. Most likely to Parker's or Silsbe's and got dinner, and I went over in the Eastern district.

Q. And Newman stayed down town? A. I guess so.

Q. Don't you remember? A. He stayed down town; I don't remember where he went, though.

Q. When was it that you first entered into the contract business?

A. I think in 1888.

Q. And you entered into a partnership then with Mr. Newman?

A. I think about that time; yes, sir.

Q. Did you have a written copartnership agreement? A. Yes, sir.

Mr. Hirsh.— Mr. Newman, will you step into the other room?

Mr. Newman.— I will do so if the committee directs me to go.

Mr. Schulz.— If the counsel wants you to go, you must do so.

(Mr. Newman leaves the room.)

Q. You say you entered into the contract business in 1888? A. Yes, sir; we went into the campaign business and from that forward we became partners.

Q. Did you have written articles of copartnership? A. Yes, sir.

Q. And who drew those articles of copartnership? A. Magner & Hughes, I think.

Q. Are they still in existence? A. I guess so; I should judge so.

Q. When did you see them last? A. I don't think I have seen them since they were drawn.

Q. Do you know where they are? A. They may be in the safe.

Q. You have a safe, have you? A. I have got two of them; yes, sir.

Q. Where are they? A. One is at No. 355 Adams street and one is at No. 680 Broadway.

Q. Do you know what the terms of that copartnership agreement are? A. It is merely an ordinary partnership.

Q. To divide the profits in half? A. Yes, sir.

Q. And each one to contribute half of the capital? A. Yes, sir.

Q. Now, in 1888 or 1889, when you went into copartnership together, how much capital did you contribute? A. Fifteen hundred dollars apiece, I think.

Q. You contributed \$1,500 and Mr. Newman contributed \$1,500?

A. Yes, sir.

Q. Was the capital increased thereafter? A. Yes, sir.

Q. When was it increased? A. It was increased by the profits we made in the campaign.

Q. How much did you make in the campaign? A. I think in the neighborhood of \$3,000.

Q. So that \$3,000 was added to the other \$3,000? A. Yes, sir.

Q. And then your capital was \$6,000 or thereabouts? A. Yes, sir; in that neighborhood; yes, sir.

Q. And what was your capital in 1890, in the contracting business, Mr. Holmes? A. I haven't the slightest idea.

Q. Were books of the firm kept? A. I guess so.

Q. Don't you know? A. No, sir.

Q. That is a matter that never bothered you? A. I never looked at a book—never knew there was a book kept.

Q. You did not know that there was a book kept? A. No, sir.

Q. Did you have a bank account? A. Yes, sir.

Q. In what bank? A. I think it was in the Kings County Trust or in the trust on Montague street; there are two trust companies; I don't know which.

Q. Those are the only banks? A. That is all.

Q. Did you ever draw money from the firm during those years? A. Yes, sir.

Q. From the contract part of the firm? A. Yes, sir.

Q. How much did you draw? A. I guess in the neighborhood of \$8,000.

Q. From 1890 to 1894? A. In the neighborhood of \$8,000.

Q. How did you know you did? A. It took that amount of money to fit up my place, almost.

Q. You say you drew about \$8,000 from 1890 to 1894 from the contract portion of the business? A. Yes, sir.

Q. How did you know that you were entitled to draw \$8,000? A. I was not entitled to it.

Q. How did you know that the firm had it? A. I inquired and found out.

Q. From whom did you inquire? A. From Mr. Newman; I paid him back half since, you know.

Q. What is that? A. I paid him half back since.

Q. You paid Mr. Newman back? A. Yes, sir.

Q. Well, how much were you entitled to draw from the firm? A. Well, I never questioned what I drew; I drew when I needed the money.

Q. You say you drew \$8,000? A. Yes, sir.

Q. When you fitted up this place of yours? A. Yes, sir.

Q. And you say you drew that from the firm? A. Yes, sir.

Q. On contracts? A. Yes, sir.

Q. From the profits or the capital? A. From the profits and capital combined.

Q. If you drew that from the capital and profits of your firm— A. Yes, sir.

Q. Why did you pay back any part to Mr. Newman? A. Because he went in partners with me in that store; I bought him out.

Q. He went in with you in the liquor store? A. Yes, sir.

Q. So that when you paid back \$4,000 you paid back his portion which he contributed to the liquor store? A. I paid him back \$3,750.

Q. But the \$8,000 that were invested in that liquor store were \$8,000 of the firm of Newman & Co., contractors, invested in that liquor store? A. At that time; yes, sir.

Q. Yes, sir; how much money did Newman & Co. have at the time they put in that \$8,000 in that liquor store? A. I haven't the slightest idea.

Q. Well, when they paid this \$8,000 didn't you know whether you could draw eight or eighty? A. I did not.

Q. And you did not ask to look at the books A. No, sir.

Q. Did you ask Newman whether you could draw—whether the firm had \$8,000 to open the store with? A. I told him about what it would cost, about the cash I had and the mortgage that I could raise, and the difference he said he thought he had down at the concern and let me draw it out.

Q. He didn't say: "We will look at the books?" A. No, sir.

Q. Or the check books? A. No, sir.

Q. You never looked at the check books even? A. We never looked at the books since we were partners.

Q. Didn't you seek to know how much the firm had made as contractors? A. I never did.

Q. Your bump of curiosity was not very largely developed? A. That may be in your opinion, counsellor, I had a partner that I placed the utmost confidence in.

Q. How did you come to buy him out in such a hurry? A. Oh, Mr. Newman didn't like the business.

Q. When was it that you bought him out? A. In January, 1894.

Q. And when did you start the place? A. In November, 1893.

Q. You were in it only about a month? A. He was in it about a month and a half or two months.

Q. And there was no other reason assigned except that he did not like the business? A. He did not like the business.

Q. It is a profitable business is it not, Mr. Holmes? A. It was not last winter.

Q. But it is a profitable business? A. It is as a general rule if times are good.

Q. Where did you get the \$4,000 to buy him out within a month and a half? A. I don't suppose I am compelled to answer that.

Q. I would like to know, Mr. Holmes? A. I don't feel like telling it.

Q. You decline to answer? A. No, sir; I will tell it if the committee wishes it.

By Mr. Hennessey:

Q. Is there any personal reason why you should not tell? A. No, sir.

By Mr. Hirsh:

Q. The answer would not tend to criminate you, would it? A. No sir; well, I gave my note for it.

Q. When you stated that you paid Mr. Newman \$4,000 that was not so? A. I didn't state I paid him \$4,000.

Q. What did you state then? A. I stated I paid him \$3,750.

Q. Then if you meant to convey by your answer before that you paid him \$3,750 you did not mean that; you meant you gave him a note for that amount? A. I gave him a note in January, 1894.

Q. And that is what you meant to convey? A. Yes, sir.

Q. Why didn't you say that at once? A. I did I guess.

Q. That you gave him a note for it? A. Oh, it was not necessary, I think.

Q. Why didn't you say it? A. It was not necessary, in my estimation.

Q. Why did you hesitate in answering the question just now; from whom did you get the money? A. I think for personal reasons.

Q. What were the personal reasons? A. I didn't want to let the public to know I gave the note.

Q. You didn't want the public to know that you gave a note to your own partner? A. Not to anybody; I am not liable to handle notes.

Q. It is the only note you ever gave, of course? A. No, sir.

Q. Oh, you have given other notes? A. Yes, sir.

Q. When; lately? A. No, sir.

Q. Did you ever give a note to Michael Murphy? A. No, sir.

Q. Or to Mr. Gott? A. Never; no, sir.

Q. Do you know what notes your partner, Mr. Newman, made?
A. For the firm?

Q. Yes, sir. A. Yes, sir.

Q. You know all of those? A. I know all of those; yes, sir.

Q. He always consulted you before giving them? A. He always consulted me before giving them.

Q. Did you know that he gave a note to Michael Murphy? A. Of the firm?

Q. Yes, sir. A. No, sir.

Q. You never knew that? A. No, sir.

Q. Is this the first you heard of it? A. This is the first I ever heard of it, and I doubt it now.

Q. Did you ever know that he gave Michael Murphy any note?

A. I did not know it until one day I was listening to his testimony here and he said he gave a personal note to Michael Murphy.

Q. Do you know how much that note was for? A. No, sir.

Q. You were in the court-room when he testified? A. Yes, sir.

Q. And Mr. Newman was in the court-room while you have been testifying, until I asked him to step out? A. Yes, sir.

Q. Did you ask him to come down here this morning? A. Why, no, sir.

Q. Did you have a contract with any institution that you know of prior to the contract with the charities department of this city? A. Not that I know of; no, sir.

Q. Did you know that Mr. McLaughlin was a relative of Mr. James Shevlin? A. No, sir; I don't think he is; I didn't know so.

Q. Didn't you know that Mr. Murphy and Mr. Shevlin married sisters? A. I know that; yes, sir.

Q. You do not consider he is a relative of his; is that what you mean? A. That is it; yes, sir.

Q. The fact that a man is a brother-in-law, you do not consider that he is a relative? A. I don't think he is a brother-in-law of Mr. Shevlin's.

Q. Mr. Murphy has testified that he is a brother-in-law of Mr. Shevlin's; you don't think he is? A. If they married sisters I don't think that that makes them brothers-in-law; I have known Mr. Murphy's wife for twenty-five or thirty years; I was born in the Third ward.

By Mr. Hennessey:

Q. Do you know Mr. Shevlin? A. No, sir; I don't know Mr. Shevlin.

By Mr. Hirsh:

Q. You don't know Mr. Shevlin at all? A. No, sir.

Q. Did Mr. Newman have any conversation with you after he came from the charities department on the day the bids were awarded the first time? A. I guess he did.

Q. And did he tell you that he was the successful bidder? A. Yes, sir.

Q. What did he say to you about it? A. That is all.

Q. I would like to get at what he said? A. He said that he was the successful bidder, and beat Mr. Murphy by \$31, I think.

Q. Did he say what conversation he had with Mr. Murphy? A. No, sir.

Q. Did he say he was going to buy goods from Mr. Murphy? A. No, sir.

Q. Were you ever present when Mr. Newman prepared the bids for the county contracts? A. No, sir.

Q. Did you ever know anything at all about his method of preparation? A. No, sir.

Q. What caused you to go into the contracting business for county supplies in 1890? A. I wanted to get out of the liquor business and Mr. Newman told me he was going in and I suggested to him that I go in with him.

Q. How did you come to put in bids in 1890 for the county contracts? A. We went into the business.

Q. But you say you went in in 1888? A. Yes, sir; for equipment purposes—campaign purposes.

Q. How did you come to put in your first bid for county supplies in 1890? A. We never had an opportunity before.

Q. Why not? A. We didn't know of bids being opened between those times.

Q. You didn't know what? A. We didn't know of bids being opened between those times.

Q. What do you mean by that Mr. Holmes? A. I didn't know of any institution or contract to be bid for; I didn't personally—myself.

Q. You knew the county institutions bid annually or semi-annually? A. No, sir.

Q. You never knew that? A. No, sir.

Q. Didn't you know that it was because under the reign of Gott, Ray and Hynes it would have been impossible for your firm to be successful bidders? A. No, sir.

Q. Didn't you know that? A. I didn't know anything of that kind; no, sir.

Q. And was it not that you waited until your friend Nolan came into the department of charities and corrections before you became a bidder? A. No, sir.

Q. You did not wait for that? A. No, sir.

Q. And you had no talk with Nolan? A. No, sir.

Q. With reference to becoming a bidder? A. No, sir.

Q. You never had any talk with him? A. No, sir; never—oh, about—

Q. Did you suggest going into the contract business to Mr. Newman or did he suggest it to you? A. Mr. Newman told me he was going in and I suggested to him to take me in as a partner.

Q. Did you talk together or did you have a conversation with him before he put in a bid for the county contracts? A. Oh, yes, sir.

Q. You had a conversation with him? A. Yes, sir.

Q. Did you ask him what he knew about it? A. I asked him what he knew about dry goods?

Q. What did he say to you? A. He said he was very well posted and also his brother.

Q. He and his brother? A. Yes, sir.

Q. Did you ever know Newman to have been in the dry goods business? A. He was in the shirt manufacturing business, but his brother was.

Q. But you were not in partnership with his brother, were you? A. No, sir.

Q. His brother was an employe of his in the shirt manufacturing business? A. Yes, sir.

Q. And he was not an employe of Newman & Co. A. Well, partly.

Q. Did Newman & Co. pay him? A. We made him a present occasionally?

Q. How do you know? A. I always suggested it myself.

Q. How do you know whether it was done or not? A. I don't know whether it was done.

Q. And you never looked at the books to see? A. No, sir.

Q. You mean in all those years from 1888 to 1895 you have never looked at the books of Newman & Co.? A. Yes, sir.

Q. Can you tell why it was that Newman entered into that contract where you were a partner of his in his own individual name?

A. No, sir.

Q. Didn't you know that? A. I know it now; I knew it lately.

Q. But you never knew it before? A. No, sir.

Q. Did you understand that the firm of Newman & Co. were successful bidders? A. Yes, sir.

Q. Did you ever look to see whether Newman & Co. or Henry Newman were the successful bidders? A. I never did; no, sir.

Q. You got your profits just the same and that was all you were interested in? A. The investment; yes, sir.

Q. What do you mean by an investment; I am asking you whether you got your profits? A. Yes, sir.

Q. How many times did you draw money from the firm of Newman & Co. during the years from 1890 to 1894—I mean outside of the \$8,000? A. I don't know.

Q. How often did you draw? A. I don't suppose I drew but once or twice.

Q. In all of those years? A. Yes, sir.

Q. Are you quite sure of that? A. Yes, sir.

Q. Including the year 1894? A. Oh, no, sir; not including 1894; I can't tell you; I may have drawn one dozen or I may have drawn twice.

Q. Is that really the best you can do for me, Mr. Holmes? A. That is the best I can do for you, counsellor.

Q. Why do you say "not in the year 1894?" A. I didn't say "nothing."

Q. What is that? A. Did I say "nothing?"

Q. I didn't say "nothing;" if you will listen to me we will get at the questions very easily; I asked you whether that also applied to 1894? A. That I don't know.

Q. That is much later than 1890; can't you remember whether you drew or what you drew in 1894? A. No, sir; I don't think I can; I can look up the books and look for it.

Q. What books? A. The check-books.

Q. Of the firm of Newman & Co.? A. Yes, sir.

Q. Do you know what you drew in 1893 or 1892? A. No, sir.

Q. I suppose you can look up the books for that, too? A. No, sir; I guess not.

Q. Well, why not? A. I guess the checks and books were destroyed.

Q. When did you hear of that? A. I heard of that previous to destroying them.

Q. You heard of that previous to destroying them? A. Yes, sir.

Q. Who told you about it? A. Mr. Newman.

Q. How did he come to tell you? A. He said they were accumulating there and there was no room to keep them, and he said they were of no earthly use any more and he was going to destroy them.

Q. And at that time did you have any memorandum of how much you had drawn? A. No, sir.

Q. Nor how much there had been made in the business? A. No, sir.

Q. Nor how much he had drawn? A. No, sir.

Q. Nor how much there was left? A. No, sir.

Q. And yet you destroyed the books of that firm? A. Yes, sir.

Q. Without knowing about those matters? A. Yes, sir.

Q. And without having any memorandum? A. Yes, sir.

Q. And without a settlement of that firm being arrived at? A. Yes, sir.

Q. Can you give me any explanation of that? A. Yes, sir; I had the utmost confidence in my partner.

Q. And that is all the explanation you can give—and that the books were accumulating? A. Yes, sir; that is all.

Q. How many books were accumulated up to that time? A. I don't know.

Q. All that he told you was that the books and papers were accumulating and that they would take up a great deal of room and that he thought of destroying them, and to that you said "all right?" A. Yes, sir.

Q. Is that right? A. Yes, sir.

Q. You don't want to nod your head, Mr. Holmes, because the stenographer can't get that? A. No, sir.

Q. There was no discussion between you and Newman as to that? A. No, sir; not a particle.

Q. He said: "I am going to do it," and you said, "go ahead?" A. Yes, sir.

Q. Where was that conversation? A. It may have been at my house or at 355 Adams street; I don't know.

Q. It was not of importance enough to remember? A. No, sir.

Q. The simple fact of a partnership existing for eight years and doing business of thousands of dollars a year with the county in which the profits had been enough for you to start as fine a store as you have up there— A. I didn't start all of that out of the profits—only half of it.

Q. Well \$8,000 went in? A. Yes, sir.

Q. You did not consider it of importance enough to have any discussion about keeping the books? A. No, sir; not having the confidence that I had in my partner, and have to-day.

Q. Do you know him? A. I have known him fifteen years. Yes, I have met him.

Q. Do you know him? A. I have known him fifteen years.

Q. Why didn't you answer my question then right away? A. I have known him fifteen years.

Q. Why didn't you say that at once. A. There was no reason.

Q. Your saying that you "met" him might lead a person to believe that you did not know him? A. Well, I have known him for fifteen years.

Q. You knew him before he became— A. An assemblyman.

Q. And it was after he was assemblyman that he became store-keeper? A. I don't know.

Q. You mean by that that you don't remember? A. I don't recollect; yes, sir.

Q. Did you have any talk with Mr. McLaughlin about becoming a contractor? A. No, sir.

Q. None whatever? A. None whatever.

Q. Did you ever have any talk with anybody—did you ever consult with anybody before you became a contractor for the county? A. Yes, sir.

Q. Who did you talk with? A. Mr. Nolan.

Q. That is all? A. That is all; yes, sir.

Q. You were of the same political faith as Mr. Nolan? A. Yes, sir; I was.

Q. And from the same ward? A. Yes, sir; from the same ward.

Q. Did you say you never met Mr. Shevlin? A. I never met him; yes, sir.

Q. You, I suppose, have heard of him? A. Oh, yes, sir; I know the gentleman to see him pass; I would know that it was Mr. Shevlin.

Q. You mean you never met him to talk with him? A. I never met him to talk with him.

Q. You never was introduced to him? A. I never was introduced to him.

Q. You knew that Mr. Nolan had met Mr. Shevlin? A. I supposed he had.

Q. Did you know that Mr. Murphy had met Mr. Shevlin? A. I supposed he had; I didn't know it.

Q. Did you know that Mr. Newman had met Mr. Shevlin? A. No, sir; I never knew it.

Q. With your close acquaintance with Mr. Nolan and your years of acquaintance with Mr. McLaughlin, did those matters enter into the reason why you went into the contract business with the county? A. Not the slightest, only in this manner; when me and Mr. Newman went to figure, I met Mr. Nolan, and told him we were considering about going in for the county contract; he advised me to stay out; he said, "You will have to get low to get it; there are large concerns that you have got to compete with, and you had better stay out;" I told him I thought we could compete with them, as my partner was a close figurer and understood the business I thought thoroughly; he said, "go ahead," and that is all.

Q. That was the only talk you had with him regarding the contracts? A. That was the only talk.

Q. And that was the only time you had any? A. That was the only time.

Q. Then the fact of your personal surroundings had no influence on the questions of the contracts? A. Not a particle.

Q. Did you know that Mr. Murphy was with Tefft, Weller & Co.?

A. Did I know it at that time?

Q. Yes, sir. A. No, sir.

Q. When he was introduced to you, was it not said that he was with Tefft, Weller & Co.? A. No, sir; I don't think so.

Q. When did you first know that? A. I don't know when; later on I knew it.

Q. Well, how long afterwards? A. It may have been six months and it may have been a year.

Q. For how long was this note that you gave Newman for \$3,750?

A. It was payable on demand.

Q. And payment has never been demanded? A. Not yet.

Q. You still have an interest in the firm of Newman & Co., contractors? A. Yes, sir.

Q. And you don't know what your interests amounts to to-day? A. No, sir.

Q. And you would be entirely dependent on Mr. Newman's statement? A. Entirely; yes, sir.

Q. Did you always do business in that way, Mr. Holmes. A. Yes, sir.

Q. You always did? A. Yes, sir.

Q. And you keep no books yourself, of course? A. A small day book and account book.

Q. Showing the receipts of the day? A. Yes, sir; and showing the expenses.

Q. Do you keep your bank book? A. Yes, sir.

Q. Or have you destroyed your bank books? A. No, sir.

Q. Have you destroyed your check books? A. No, sir.

Q. For how many years have you got your check and bank books? A. Oh, I guess for three or four or five years, probably.

Q. Is it not for more than five years? A. No, sir; I guess not.

Q. But have you got them as far back as five years? A. I guess so.

Q. Do you know why the firm of Newman & Co. didn't keep them for five years? A. I guess the check books and bank books would be largely different in the business of James H. Holmes, carrying on a liquor store; it don't require many books, you know.

Q. Was there anything else said when Mr. Newman said he would destroy the books than what you have stated here? A. No, sir; nothing.

Q. It was not talked how he was going to destroy them? A. No, sir.

Q. Did you find out whether they were going to be incinerated or drowned? A. No, sir; I didn't inquire.

Q. And you were not interested at all? A. No, sir; nothing more than he asked me if I was satisfied, and I said, "Yes, go ahead."

Q. Do you know when that was? A. Around the first of the year; I don't know.

Q. Around the first of January of this year? A. Around the first of January of this year.

Q. Did he say he did not need the books any more because he wouldn't have any more contracts with the county? A. He may have; I don't remember.

Q. Did he say the new commissioners being in, there was no money in the contracts? A. No, sir; he never said that.

Q. Did he say there was going to be an investigating committee appointed and he was going to get rid of the books? A. No, sir; there is nothing to fear from this committee.

Q. Of course there is nothing to fear from this committee, as you say; the destruction of the books is not a suspicious matter at all? A. No, sir.

Q. You would not consider a man who destroys his books, doing away with every vestige of proof in regard to receipts, expenditures, drafts and all knowledge of every kind, where there has been no settlement between the partnership; you would not consider it a suspicious matter? A. No, sir.

Q. You would consider it the ordinary way of doing business? A. I believe there are thousands doing it every day.

Q. You do believe so; did you ever know of anyone that did it? A. No, sir; but I believe there is.

Q. Do you know whether Newman had an intimate acquaintance with Nolan, Murphy, Shevlin and McLaughlin? A. No, sir; I do not.

Q. You never knew that? A. I never knew that.

Q. You did not enter into the contracting business because of his acquaintance with politicians generally? A. No, sir.

Q. Did you ever take any part in the preparation of the bids for the county departments? A. No, sir.

Q. Did you ever examine the bids after they were prepared? A. No, sir.

Q. And before they were submitted to the board? A. No, sir.

Q. Were you ever consulted with reference to the system of bidding? A. No, sir.

Q. That Newman was doing? A. Yes, sir.

Q. Did you ever have any conversation with Newman regarding his system of bidding for the county? A. Not that I remember—but on one occasion.

Q. And what was that? A. I think it was the second year; he told me that he was putting the blankets away below cost, and I cautioned him to be very careful, and he told me it didn't make any difference—that if they ordered them it wouldn't lose any money.

Q. He told you that? A. Yes, sir.

Q. When you said he should be careful he said if they ordered them you wouldn't lose any money? A. And took all the other goods ordered.

Q. He would lose no money? A. Yes, sir.

Q. Did he tell you anything about any other items he was putting in away below cost. A. No, sir.

Q. That was the only one? A. Yes, sir.

Q. Did he tell you how much you would lose on it? A. No, sir.

Q. Or on that item? A. No, sir.

Q. How much money did the firm make in the first year's contract? A. I haven't the slightest idea.

Q. How much did the firm make in the second year's contract? A. I haven't the slightest idea.

Q. How much did the firm make on the third year's contract? A. I haven't the slightest idea.

Q. How much did the firm make on the fourth year's contract? A. I haven't the slightest idea.

Q. You were not a very active partner in the firm of Newman & Co.? A. I was not an active partner, no sir.

Q. You knew that Mr. Newman had another business besides the contracting business? A. Yes, sir.

Q. And the partnership you have said here between you and him was an equal division of the profits? A. Yes, sir.

Q. Then you left all the labor of the business to Newman? A. Yes, sir; entirely.

Q. And yet he didn't draw any more than you did? A. No, sir; not to my knowledge.

Q. He had no salary? A. He had no salary.

Q. He might under the present state of things, with no books existing—he might have drawn \$50,000 more than you and you not know it? A. He might have; yes, sir.

Q. Then the only interest that you had in this business from the capital standpoint was the \$1,500 originally contributed and your share of the \$3,000 or thereabouts made in the campaign business? A. Yes, sir.

Q. As to any subsequent accumulation of capital you know nothing? A. I know nothing.

Q. And all you know is that afterwards when you started a liquor store on Broadway, \$8,000 was invested by the firm of Newman & Co. in that liquor store? A. Yes, sir; \$8,000 of what did you say?

Q. Of the capital of Newman & Co.? A. Yes, sir; that is right.

Q. Capital and profits as you say? A. Yes, sir; that is right.

Q. Was that \$8,000 drawn at one time? A. No, sir.

Q. Over what period of time was this \$8,000 drawn? A. Oh, I don't know; two or three months probably; probably in a month.

Q. Do you know when that was? A. I think it was during November and December.

Q. Of what year? A. Of 1893-1894.

Q. November and December, 1893? A. I think so; yes, sir.

Q. Was the money turned over to you? A. Yes, sir.

Q. And you deposited it in the bank? A. Yes, sir.

Q. What bank did you deposit it in? A. Part in the Broadway Bank and part in the First National.

Q. Do you keep accounts there still? A. In the First National; yes, sir; not in the Broadway.

Q. You have no longer an account in the Broadway? A. Not in two or three months.

Q. But the whole amount of this draft amounted to about \$8,000? A. Yes, sir.

Q. And you used that in the payment of contractors and the bills for stock? A. Yes, sir.

Q. Now, in buying out Newman from the liquor store afterwards for \$3,750 did he give you a bill of sale of his interest? A. Yes, sir.

Q. In writing? A. Yes, sir.

Q. Have you got that? A. No, sir; it is in the county clerk's office.

Q. What is? A. The bill of sale is recorded.

Q. You are sure about that? A. Yes, sir; positive.

Q. You can not be mistaken about that? A. No, sir.

Q. Did you record it? A. No, sir.

Q. Who did? A. Mr. Newman did.

Q. And that is all you know about it? A. I am willing to take his word for it.

Q. You are willing to swear that he recorded it in the county clerk's office? A. Yes, sir.

Q. Did he tell you that? A. Yes, sir.

Q. And you can not be mistaken about it? A. I can not be mistaken, he has filed it.

Q. Suppose I was to convince you that you are absolutely mistaken, what would you say? A. That it was not filed?

Q. Suppose I was to tell you that it was a physical impossibility that such a paper could be filed in the county clerk's office, what would you say then? A. A bill of sale?

Q. Suppose I was to tell you that you could go through there and that you could not find any such document? A. Suppose I was to tell you I could find such a document.

Q. If I was to tell you that you could not—that is that you would be unable to find such a document there? A. Then I am mistaken.

Q. That is all you would say, is it? A. But the bill of sale is filed there.

Q. You still say so, do you? A. Yes, sir.

Q. Is all your other evidence as true as this? A. I don't know; I know it was filed there; he told me it was filed there.

Q. Is all your other evidence as true as that? A. That is an impertinent question of the counsel.

Q. You are so very positive after my statement to you that you were mistaken? A. Well, then, I am mistaken.

Q. Can you be mistaken as to the other testimony you have given here? A. No, sir; one moment, counsellor; ain't it possible to file a dissolution of partnership in the county clerk's office?

Q. No, sir; it has no business there; Mr. Newman may have filed it in the registrar's office. A. Well, either one of the offices—the registrar's office; but it is filed in the registrar's office.

Q. Now, you are confident that it is filed in the registrar's office? A. Yes, sir; positive.

Q. But you swore it was filed in the county clerk's office? A. Oh, it is a mistake of upstairs and downstairs.

Q. And you swore to it under oath you know? A. Me not being a lawyer, probably I didn't know.

Q. It takes, in your opinion, a lawyer alone to be truthful? A. No, sir; I wouldn't believe two-thirds of the lawyers.

Q. But the liquor dealers, and particularly yourself, are all truthful? A. No, sir; there are some of them almost as bad as the lawyers.

Q. Your partner was just as truthful as you seemed to have been a moment ago, for he swore when he got the contract that nobody was interested with him; was that true? A. No, sir; it was not true.

Q. He swore to it year after year while he had the contract; you would consider a man who year after year perjures himself in that way a man in whom you should have perfect confidence aside from books and papers that have been destroyed; is that right? A. Yes, sir.

Q. That was the only conversation you had with Mr. Newman about the blankets? A. That is all.

Q. Did you say he did not tell you what the amount of loss would be on the blanket item? A. No, sir.

Q. Did you know that the loss would be \$2,400 in that year? A. No, sir.

Q. At the end of that year did you have any curiosity to know how much was made by the firm? A. No, sir.

Q. You did not ask? A. No, sir.

Q. Did you ask him what the possibilities of loss would be that year? A. No, sir; I did not.

Q. That was all the money you had invested in that firm? A. All the money I had?

Q. Yes, sir. A. No, sir.

Q. You had other moneys? A. Yes, sir.

Q. This was in 1890? A. Yes, sir; in 1890.

Q. You were then engaged in the liquor business on North Sixth street? A. Yes, sir.

Q. That was the business for which you got \$4,000? A. Yes, sir.

Q. What other moneys did you have at that time? A. Well, I had other moneys.

Q. Much? A. Well, some.

Q. How much? A. I don't know; I couldn't tell you.

Q. About? A. Oh, I couldn't tell about.

Q. Well, give us an idea? A. I couldn't give you an idea.

Q. You can't say whether it was \$1,000 or \$10,000? A. I can't say whether it was \$1,000 or \$10,000.

Q. You couldn't have had \$10,000, Mr. Holmes, if when you started this store on Broadway you didn't have \$8,000 to pay for the stock and the liquors? A. That wouldn't make it possible that I did not have \$10,000.

Q. Did you have it at that time? A. I may have had it.

Q. Well, did you? A. I don't care to answer what I had.

Q. Are you afraid it would incriminate you? A. No, sir.

Q. Why won't you answer then? A. I absolutely refuse; I am here to-day to tell this committee what I know about the county contract.

Q. You are here to answer the questions that are put to you truthfully? A. Yes, sir; I am answering them truthfully.

Q. You decline to state how much capital you had? A. I decline to state.

Q. Did you have any other capital than the \$1,500 that you invested in the contracting business in 1888? A. Yes, sir.

Q. How much more capital did you have at that time? A. I had enough to get along for a good many years with.

Q. You got it all in the liquor business? A. Some of it.

Q. What other business had you been in that you made it in? A. That I refuse to answer; I may have inherited it and I may not.

Q. Did you inherit it? A. No, sir.

Q. Why did you say you may have? A. My wife did, which is the same thing.

Q. Then part of this capital that you speak of was your wife's? A. Yes, sir—part of which capital?

Q. Part of the capital which you spoke of as having had? A. Yes, sir.

Q. Then you figure that whatever was your wife's was your own, and whatever was yours was your wife's? A. Exactly.

Q. How much did your wife inherit, Mr. Holmes? A. I refuse to answer.

Q. You are not afraid that that would incriminate you? A. No, sir; it is not any of the public's business—only mine or my wife's.

Q. Well, did your wife inherit it? A. That I refuse to answer.

Q. You are not afraid it may be traced? A. No, sir.

Q. Did she inherit it from her parents? A. That I refuse to answer.

Q. Are her parents living or dead? A. Dead.

Q. Both of them? A. Both of them.

Q. How long are you married? A. I am married nine years.

Q. You are now married nine years? A. Yes, sir.

Q. Were your wife's parents dead when you got married? A. Yes, sir.

Q. So whatever she inherited she had inherited when you married her? A. Yes, sir; and still making it.

Q. What is that? A. And still making it.

Q. What do you mean by that? A. And still getting it in.

Q. She had not been paid all her inheritance at the time you married her then? A. She is still getting money in.

Q. From that inheritance? A. I don't know whether it is an inheritance or not; it is none of the public's business, but she is still getting money in.

Q. From an investment? A. Yes, sir; from an investment.

Q. And you do not consider it any of the public's business to know? A. No, sir.

Q. Do you consider it any of the public's business to know that the county has been swindled out of thousands upon thousands of dollars? A. Yes, sir.

Q. You consider that a good thing for the public to know? A. Yes, sir; I should think so; it is healthy for the public to know.

Q. You think it is healthy for the public to know that? A. Yes, sir.

Q. And if your partner was a party to that swindle you would even consider that it was a good thing for the public to know? A. Yes, sir; and ought to be sent to State's prison.

Q. That end of it will be attended to in time? A. I hope so if it is not a farce.

Q. So that whatever information you have to give no matter what it would lead us, so far as representing the public is concerned, to find out, as long as it is what you consider private you decline to give it? A. My private affairs; yes, sir.

Q. Even if it referred to capital that you claimed to have invested in this contract business? A. No, sir; I will give that as my private capital.

Q. Where did you make it? A. In the liquor business.

Q. And I want to know how much more you had than what you made in the liquor business? A. That I refuse to answer.

Q. I want to tell you, Mr. Holmes— A. All right, sir.

Q. If I considered I couldn't get this information without get-

ting it from you and without sending you to jail, I would get it or send you to jail; when I want it you will answer it? A. All right, sir.

Q. Did you ever visit the building under the control of the department of charities and correction? A. Which buildings?

Q. Any of the buildings? A. I have been out to Flatbush several times.

Q. What for? A. Visiting the people and showing friends through the buildings.

Q. Did you see Mr. McLaughlin when you were out there? A. I met him once or twice; yes, sir.

Q. Didn't you meet him always when you were out there? A. Oh, no, sir.

Q. Did you have any talk with him? A. Yes, sir; casual everyday talk.

Q. Did you ever loan him any money? A. I never did.

Q. Did you ever give him any money? A. I never did.

Q. Did you have any talk with any other officials out there? A. No, sir; never.

Q. Did you ever know any of the officials out there? A. I never did.

Q. The only time you went out there was to take some friends? A. I may have stopped to see the secretary once; and probably stopped in to see Mr. McLaughlin or somebody else.

Q. Did you have any talk with him about the goods to be furnished? A. No, sir.

Q. Or about the character of the goods furnished by your firm? A. No, sir.

Q. Or how he was satisfied about your carrying out your contract? A. No, sir.

Q. You never had any such talk? A. No, sir.

Q. Did you have any talk about the quantities which were furnished? A. About what?

Q. The quantities? A. No, sir.

Q. Did Newman ever tell you what arrangements he had by which while he bid in fact for a certain quantity of a certain thing that not all of it was furnished? A. No, sir.

Q. He never did? A. No, sir; he never did.

Q. He never laughed with you about it? A. No, sir; never.

Q. And you and he never smiled over the manner in which this bidding was accomplished? A. No, sir.

Q. He never said to you— A. No, sir.

Q. What inside information he had? A. I never knew of any.

Q. Well, he never said anything to you about it? A. No, sir.

Q. Did you ever receive any information regarding certain articles that were not to be called for on the schedules? A. No, sir.

Q. Did you hear that certain articles would be called for in very small quantities and other articles in very large quantities? A. No, sir.

Q. Was that the only conversation you had with Mr. Nolan that you have stated here, when he stated that you had better not take the contract? A. That is the only conversation.

Q. In all the years that he was commissioner that is the only conversation that you have stated here? A. Occasionally he would say, "How are you getting along with the contract;" and I would say, "I guess all right."

Q. Did he not congratulate you when he knew that you had become successful? A. No, sir.

Q. You never had a talk with him about that? A. No, sir.

Q. Are you sure about that? A. I am positive about it.

Q. Did you have any talk with anybody in the department of charities on the ground that you became the successful bidder? A. No, sir.

Q. Do you know Barney Lamb? A. Ex-supervisor Lamb.

Q. Yes, sir. A. Yes, sir; I knew him.

Q. He became the clerk of the board? A. He was the secretary.

Q. You knew him there, did you not? A. I knew him when he was supervisor.

Q. Didn't you know him afterwards? A. Oh, yes, sir; I knew Mr. Lamb.

Q. Did you have a talk with him? A. No, sir.

Q. You met him occasionally? A. Yes, sir; I met him occasionally.

Q. And you met him since you were the successful bidder? A. Yes, sir.

Q. How often? A. I don't know; perhaps a hundred times.

Q. Did you have a talk about your contracts? A. Never.

Q. He knew you were the successful bidder? A. Some of them never knew I was interested at all up there.

Q. Do you mean to say that Lamb did not know it? A. Lamb knew it I guess.

Q. He never had a talk to you about it? A. No, sir.

Q. Or you to him? A. No, sir.

Q. And no money transaction passed between you and Lamb? A. No, sir.

Q. You don't know what moneys Mr. Newman paid out for the firm of Newman & Co.? A. No, sir.

Q. You didn't know anything about that? A. No, sir.

Q. You were interested in all the contracts that Newman had with the charities department? A. Yes, sir.

Q. Do you know why he did not disclose the fact that you were his partner when he swore to these affidavits? A. I haven't the slightest idea any more than that he thought—when he was swearing that, that he thought he did not have to be interested with anybody in the department; I didn't know outside of that.

Q. It was not for the purpose of keeping you away from the public view? A. No, sir; I guess not.

Q. Nothing of that kind? A. No, sir.

Q. On account of your intimacy with Commissioner Nolan and Storekeeper McLaughlin? A. No, sir.

Q. Do you know what the condition of that partnership is at the present time? A. No, sir.

Q. Have you an idea? A. Not a particle.

Q. Have you any idea what the capital is? A. There may be \$50, and there may be \$15,000; I haven't the slightest idea.

Q. You drew money on account of profits of course, during these years? A. No, sir.

Q. None at all? A. None at all; I drew money; I don't know what it came from.

Q. You drew money from the firm of Newman & Co.? A. Yes, sir.

Q. Did you keep an account of all the money you drew? A. No, sir.

Q. You kept no account at all? A. Not an account.

Q. So that you kept no account and all the account Newman kept is burned? A. I guess so; I guess he understood what each drew along.

Q. You mean to say he has kept an account in his head; is that what you mean? A. I guess so; yes, sir.

Q. Do you know how much Mr. Newman drew during those years? A. No, sir.

Q. Do you know whether he drew any? A. I don't know.

Q. Did the firm invest any money in anything else besides the contract business? A. Yes, sir; in a house on Howard avenue and Macon street.

Q. And that was money drawn out of the firm? A. I guess so; yes, sir.

Q. Well, don't you know? A. Yes, sir; that was money drawn out of the firm.

Q. What else did you invest in? A. We invested in eleven lots.

Q. Eleven lots; where? A. We invested in eleven lots in Flatbush, and sold them since.

Q. Do you know how much was paid for them? A. There was \$500 paid out.

Q. And do you know how much was paid for the house on Macon street? A. I think it stands us in \$20,000; I can't give the figures.

Q. Was that drawn out of the firm? A. That is all.

Q. In cash? A. Yes, sir.

Q. Do you know when that was? A. No, sir; I do not.

Q. So that the capital of the firm of Newman & Co. was decreased by these various drafts? A. Yes, sir.

Q. Twenty thousand dollars for a house on Macon street? A. There is a \$12,000 mortgage.

Q. You only drew \$8,000? A. Yes, sir.

Q. Is that right? A. Yes, sir; that is right.

Q. Eight thousand dollars for the house on Macon street? A. Yes, sir.

Q. Five hundred dollars for the Flatbush lots? A. Yes, sir.

Q. And \$8,000 for the liquor store? A. Yes, sir.

Q. Now, you are sure, Mr. Holmes, that you have drawn out on several occasions from the firm certain moneys? A. I ain't sure of anything of the kind; I may have drawn it out I say.

Q. That is what I asked you? A. Yes, sir; I may have drawn it out.

Q. And you don't know how much? A. All told; no, sir; I drew at various times.

Q. Can't you state how much it was in any one year? A. No, sir.

Q. But you haven't left in everything in the firm during those four years, from 1890 to 1894; you drew out something? A. Yes, sir.

Q. Mr. Newman testified that both of you left in everything in the firm with the exception of your real estate transaction; is that so? A. I guess it is so; yes, sir.

Q. How can you reconcile that with your statement that you drew out money? A. I drew out some money; yes, sir.

Q. But you couldn't have drawn it out and left it in? A. No, sir; that is impossible.

Q. Mr. Newman testified that you left it in; you differ with him on that? A. Yes, sir; I drew some out.

Q. But you don't know how much? A. No, sir.

Q. Have you books showing how much you drew out? A. No, sir.

Q. Well, you deposited the money; is there any way that you can arrive at the amount you drew out? A. No, sir.

Q. Did you get it in checks or in cash? A. I got it in checks, mostly.

Q. Well, you deposited those checks? A. Yes, sir.

Q. And wouldn't you bank account show what you deposited? A. Yes, sir.

Q. So that would be one way of arriving at the amount you drew?

A. Yes, sir.

Q. In addition to the real estate investments? A. Yes, sir; but I wish to tell you that I used to exchange checks with Mr. Newman.

Q. To exchange checks would not show the amount that you drew? A. It would show him what I drew from, and I would give him the check the next day.

Q. In what check book? A. In his check book.

Q. He has not got a check book? A. Yes, sir.

Q. Well in addition to that you drew some money? A. Yes, sir.

Q. How often did you exchange checks with him? A. I haven't an idea.

Q. Oh, give us a suggestion? A. I couldn't do it.

Q. Every day? A. No, sir.

Q. Once a week? A. No, sir.

Q. Once a month? A. Probably once a month, probably five times a year, and probably 10 times a year.

Q. That is the best you will answer? A. Yes, sir.

Q. Do you know how large the checks were? A. No, sir; they varied; I haven't the slightest idea.

Q. You were only engaged in the liquor business? A. Yes, sir.

Q. What did you use the money for? A. I might be down town and meet a collector and go over and get a check from Newman and send a check the next day.

Q. Do you know how Mr. Newman can testify that neither of you drew any money from the firm except for the real estate investments? A. No, sir.

Q. When you know that you did draw money? A. No, sir; I haven't got anything to do with Mr. Newman's testimony.

Q. Can you give any reason for it? A. No, sir.

Q. In the year 1894 there are a number of checks drawn to your order for various amounts; do you know what they were for? A. I guess I could look over my check book and find out.

Q. Your check book? A. Yes, sir.

Q. You mean your bank book? A. I will bring my books if necessary, to the committee at any time.

Q. Do you know what you got this money for in the year 1894, from Mr. Newman? A. No, sir; I must have got it for some business transaction.

Q. Do you know what you got it for? A. No, sir.

Q. Did the money that you got from Mr. Newman in 1894—did you use that for your own business? A. Yes, sir.

Q. And you used it in payment of debts of your own? A. I guess so; yes, sir.

Q. Did you ever return that money to the partnership? A. I may have returned some; I couldn't tell you now; I may have returned some.

Q. Did you ever keep any books of it? A. No, sir.

Q. Well, how would it appear if you returned them? A. On the check books.

Q. On the check books payable to Newman & Co.? A. Yes, sir.

Q. You say you think you have got your check books for the last five years? A. I think so; yes, sir.

Q. When you go to lunch, Mr. Holmes, I would like to have those check books when you return; that will give you an hour and a half to return? A. I couldn't do it in an hour and a half.

Q. Why not? A. I couldn't go there and back in an hour and a half.

Q. Can you get them here in the morning? A. Yes, sir; I can get them here in the morning.

Q. Do you know whether you kept any account of that particular money that you drew from the firm—separate account? A. No, sir; no separate account except what my check books and time book will tell.

Q. Your time book? A. My deposits and so forth.

Q. You kept no memorandum of anything of the kind—day book? A. No, sir.

Q. Showing the money received? A. Yes, sir.

Q. You did in the liquor business you said? A. Yes, sir.

Q. Did you keep a book showing what you expended? A. My daily expenses.

Q. And you mean to say that you kept no account whatever of

moneys received and expended from the contract business? A. None whatever.

Q. It amounted to more than the liquor business? A. I can't say it did.

Q. Will you say it did not? A. You say that from 1890 to 1894 the contract business did not amount to more than the liquor business? A. No, sir; I don't think so.

Q. When did you say you started the liquor store on Broadway? A. Eighteen hundred and Ninety three, November 28th, I think.

Q. Up to November, 1893, you were able to invest, I think, \$20,000 in cash in that house, \$8,000, and the Flatbush avenue lots— A. Five hundred dollars.

Q. And still have capital enough left to go on with your contract business; did you make that much from the liquor business in three years? A. Yes, sir; I used to make nearly \$6,000 a year on North Sixth street.

Q. And yet you sold the whole thing for \$4,000? A. Yes, sir; the panic struck me then, and the Italians—the neighborhood got bad and swamped me out.

Q. It was not a great many years ago that you made \$6,000 a year on a \$2,000 investment? A. Not so many.

Q. Well how long ago? A. Three or four years ago—five years ago.

Q. Or six years ago maybe? A. Maybe six years ago; one year I made \$8,000.

Q. Did you keep books at that time? A. No, sir; only a daily book.

Q. You haven't got that now, have you? A. No, sir; I guess not; I haven't any books from the other store; I don't think.

Q. Did you ever go into the market and buy goods supplied by your firm on the contract? A. No, sir; I only bought wet goods.

Q. Did you ever attend to the delivery of any of those goods? A. I never did.

Q. Did you ever make out bills or keep any books of account of the firm? A. No, sir.

Q. Did you ever make any entries of any kind? A. No, sir.

Q. Did you ever see Newman? A. I never did.

Q. How often did you get down to the place where the books were kept? A. I don't know; once every three or four months probably.

Q. Is that as often as you went to the shirt manufacturing place? A. Yes. sir.

Q. You went there every three or four months? A. Yes, sir; not oftner thah that.

Q. Did you ever go to the county treasurer's office to get checks for the contracts? A. Never.

Q. Did you ever present any bills to the board of charities? A. Never.

Q. Can you tell what profits were realized upon any single articles that you contracted for? A. No, sir; I couldn't tell the profits or the price received for one single article.

Q. Can you tell what they would aggregate for any year? A. No, sir.

Q. Or for the entire time? A. No, sir.

Q. You say you kept a bank account in the First National and what other bank? A. The Broadway Bank.

Q. Will you bring your bank books also with you, Mr. Holmes? A. Yes, sir.

Q. And you say you have check books and stub books for the last five years? A. I guess so; I don't know what is there; whatever is there, I will bring down.

Q. You have not destroyed any? A. For the last three or four years, I guess not; I don't know whether there is any from the lower store; there may be.

Q. Do you know what proportion of the profits on these various contracts you have actually received? A. No, sir.

Q. Do you know whether you have received your full proportion of the profits in connection with your copartnership agreement? A. No, sir.

Q. What real estate do you own, Mr. Holmes? A. I own a house on North Sixth street.

Q. In your own name? A. In my own name; yes, sir; and I own some lots in Flatbush.

Q. These eleven lots? A. No, sir.

Q. How many lots in Flatbush? A. Thirty-six; 18; me and Newman owns 36 between us.

Q. All paid for? A. Yes; all paid for, free and clear.

Q. What is the value of those lots? A. Now?

Q. Yes, sir. A. I value them at an average of \$350 to \$400 apiece.

Q. That is between \$10,000 and \$15,000? A. Yes, sir.

Q. That house on Macon street is sold? A. Yes, sir.

Q. You still own that? A. Yes, sir.

Q. Is the mortgage paid off? A. No, sir.

Q. There is still a mortgage of \$12,000? A. Yes, sir.

Q. Is there any property that the firm still owns? A. No, sir; the lots were not bought from the firm.

Q. What were they bought from? A. From my own personal capital and Mr. Newman gave a mortgage for his.

Q. You each invested? A. Yes, sir; we each invested.

Q. How much money did you pay down at the time? A. I think I paid \$1,700 or \$1,800.

Q. Where did you draw that money from? A. From the Williamsburgh Savings Bank.

Q. You had money in that bank, too? A. I have got money all over, counsellor.

Q. I am glad of it; it might be necessary to know? A. Well, you will know it.

Q. When I asked you where you kept your bank accounts you said in only two banks? A. I thought you meant business accounts.

Q. Are there still others in which you keep accounts? A. Not any; no, sir.

Q. Then you don't have money all over? A. That is all over.

Q. You drew \$1,700 or \$1,800 from the Williamsburgh Savings bank? A. My wife did—I didn't.

Q. Was that her money or yours? A. Yes, sir—her money.

Q. Are these lots in her name or yours? A. Mine.

Q. Do you know how much money you drew from Mr. Newman by check in 1894? A. No, sir.

Q. Is it possible that you could have drawn \$10,000 from the firm of Newman & Co. in 1894? A. It is possible.

Q. What did you do with that money? A. I say I may have exchanged checks, you know—may have drawn a couple of thousand dollars and paid it back—may have drawn \$500.

Q. Where the checks are of similar amounts they would probably be exchanges? A. Yes, sir.

Q. And where the checks are not similar amounts they would not be, would they? A. I don't think they would.

Q. In the year 1894, from the books not destroyed, we find there was about \$10,000 drawn by you in 1894, and three of the checks bear similar amounts—two for \$1,000 each and one for \$900; those you think were exchanges? A. I don't think anything of the kind.

Q. What then? A. I say they may be exchanges—they may be invested in the business.

Q. You don't know anything about it? A. I don't know how they were; no.

Q. If they were in the shape of checks, your check book would show and your bank book? A. Exactly.

Q. Newman also testified that these thirty-six lots were purchased from the profits of the business—is that so? A. No, sir.

Q. And that he had, in addition a \$2,000 mortgage, which he paid in; that is not so? A. That is not so.

Q. That is his testimony, and I will read it to you. A. It is not necessary, counsellor; I will take your word for it.

Q. I want you to know what you are testifying positively to—"how can you make a settlement now with the books all destroyed"—he having testified that they were destroyed; and he said: "I have got

the bank books, the deposits in the various banks, we invested heavily in real estate. Q. How heavily have you invested in real estate? A. Well, we purchased 36 lots in Flatbush, about, I guess, four years ago from Mr. Jacob Worth, for which we paid him \$130 a piece; there was a \$2,000 second mortgage which I possess on a house which I previously owned before I became a contractor, in Bergen street; I believe it was a \$2,200 mortgage; we purchased a house at the corner of Macon street and Howard avenue that I want to sell for \$18,000," and he states here that he paid for it and what other interests he purchased and you purchased—that is not so, you say? A. No, sir; that is not so; that was entirely outside of the firm.

Q. And the real estate that you own is where—individually, I mean? A. Two hundred and seventy-one North Sixth street.

Q. What is that worth? A. Six thousand and five hundred dollars I guess.

Q. Is that where you live? A. Yes, sir.

Q. You live in that house? A. Yes, sir.

Q. When did you buy that? A. I guess eight or nine years ago—10 years ago; the first year I was married.

Q. What is that? A. The first year I was married.

Q. Before you went into the contracting business? A. Yes, sir.

Q. Have you purchased any real estate other than the firm real estate, since then? A. Only that at Flatbush.

Q. And that is owned by you jointly? A. Yes, sir.

Q. Have you any other real estate not owned by you jointly? A. No, sir.

Q. Not at all? A. Not at all.

Q. Have you bought any real estate for yourself or your wife since the first day of January, 1890, outside of these lots that you own together with Newman? A. My wife and sister-in-law own some property.

Q. That you purchased for them? A. They purchased themselves; I purchased for them — I made the investment for them — yes, sir.

Q. Where is that property? A. At the corner of North Sixth and Havemeyer.

Q. And where is the \$6,500 house that you live in? A. In North Sixth near Havemeyer.

Q. They are right next to each other, are they? A. No, sir; one is a corner lot.

Q. Was that her own investment? A. Yes, sir.

Q. And her own money? A. And her own money.

Q. You invested no other money in any other real estate than what you have stated? A. No, sir.

Q. Have you loaned out any money on bond and mortgage since 1890? A. No, sir.

Q. Do you own any bonds and mortgages? A. No, sir.

Q. Did you in 1888? A. No, sir.

Q. What bank account did you have in January, 1890? A. I haven't the slightest idea.

Q. You really mean that you haven't the slightest idea what bank accounts you had five years ago? A. Oh, you mean the bank accounts at that time?

Q. Yes, sir? A. Oh, the Williamsburgh and the First National.

Q. That is all? A. That is all; you mean me, personally, that you are speaking of?

Q. Yes, sir? A. That is all.

Q. No firm moneys were deposited in your individual name, to you; A. No, sir.

Q. And you say you don't know how much you made in 1890? A. No, sir.

Q. Or in any of those years? A. Or in any of those years.

Q. Your answer was that you hadn't the slightest idea? A. My answer was that I hadn't the slightest idea.

Q. How do you recollect what you made in 1888, in the campaign of that year? A. We kept a small book and I remember the amount.

Q. That is to say you can remember back seven years and know what you made at that time? A. We called an account, I think, on that campaign business.

Q. You had a settlement of that? A. Yes, sir.

Q. That was a very small contract, was it not, for campaign goods? A. It was not so large.

Q. How big was it? A. I couldn't say how big it was.

Q. Well, about? A. I couldn't say.

Q. About? A. I couldn't give you about.

Q. You couldn't say whether it was \$3,000 or not? A. It was about \$3,000.

Q. Where is the book of that account? A. It was only a small account book.

Q. Where is it—you never kept it? A. No, sir; it was thrown in the waste basket.

Q. That you made a settlement of? A. Yes, sir; just made up our profits and put it right in the firm of Newman & Co.

Q. And the money that had been realized was already in the firm, was it not—you didn't have to take it from one place and put it in another? A. It was in the firm.

Q. You had to settle it? A. To start off; yes, sir.

Q. With the county contract? A. Not the county contracts—all contracts—State, national and city.

Q. And since that time, although you have had contracts aggregating thousands and thousands of dollars, and have drawn out thousands and thousands of dollars, you have never had an accounting or a settlement? A. We never had.

Q. If this money was already in the firm, what did you have an accounting for? A. Wanted to see how much we made.

Q. How was it you wanted to know? A. After the campaign was closed we wanted to see what we gave up our time for.

Q. But you have not wanted to see since then? A. No, sir; that was just temporary.

Q. You did not destroy the books showing the amount received at that time, before you had an accounting? A. No, sir.

Q. And Mr. Newman didn't destroy them, either? A. No, sir.

Q. You kept that small account book in good shape until you had a settlement? A. In pretty good shape, I guess.

Q. Do you know how much money you received from Newman & Co. from 1883 to 1894? A. No, sir; I haven't the slightest idea.

Q. You have already stated that the testimony of Mr. Newman regarding the purchase of those lots was incorrect? A. Of which lots—the Flatbush lots?

Q. Yes, sir. A. Yes, sir.

Q. He stated in another portion of the testimony: "I purchased those lots from Mr. Worth; I took so much money from the business;" you say that that is not so; you each individually contributed a certain amount? A. I contributed my end, my half.

Q. You say yours was not taken from the business at all? A. No, sir.

Q. You say your wife contributed that? A. Yes, sir.

Q. And that was \$1,700 I think you said? A. Yes, sir; something in that neighborhood.

Q. Did you ever have any business transactions of any kind with any persons connected with the charities department? A. Never.

Q. Or loan them any money? A. No, sir.

Q. Or exchange checks with them? A. I never exchanged checks with them.

Q. Did you have any business transactions of that kind, either loaning the money or exchanging checks with any of the political leaders in this county? A. Never.

Q. Have you contributed to campaign funds in this city? A. In the ward; yes, sir.

Q. And that is all? A. That is all.

Q. Do you know what your contributions were for the year 1890 to the year 1894? A. About \$25 a year.

Q. Is that all? A. That is all.

Q. Do you know from whom Mr. Newman purchased his goods?
A. No, sir.

Q. You never knew that? A. No, sir; I never knew that.

Q. You never knew whether from Mr. Murphy or from Tefft, Weller & Co. or not? A. I knew he bought some from Tefft, Weller & Co.; I didn't know where he bought the others.

Q. You knew that he bought from Murphy? A. Personally?

Q. Yes, sir. A. No, sir.

Q. He never told you that, did he? A. No, sir.

Q. When you bring the books, Mr. Holmes, I will conclude your examination. A. Shall I bring them in the morning?

Mr. Hirsh.—Yes, sir, you may bring them in the morning; that is all I want to ask you now.

Mr. Hennessey.—Mr. Holmes wishes to make a statement.

The Witness.—I wish to state that the firm received some contracts last week from the county, and still I don't know what contracts they received and don't know the prices either.

Mr. Hirsh.—I have no objection to that going on the record; the stenographer has taken it; I will see you in the morning with your books, Hr. Holmes.

Alanson E. Hallock, having been recalled for further examination, testified as follows:

Examined by Mr. Hirsh:

Q. Mr. Hallock, you say you endorsed every bill with your own signature when you were paid? A. When I was paid here—yes, sir.

Q. When you were paid here? A. My son might have endorsed some when they paid up there—when the doctors paid.

Q. But when you were paid here? A. I receipted every bill myself—I think every one.

Q. And you took the affidavit? A. I took that at Smithtown, sir, before the justice of the peace—Ransom.

Q. At Smithtown; what is the name—Strasner? A. There might have been one or two before Strasner, but Ransom was the man.

Q. You would recognize your signature, of course? A. Every one, I think; yes, sir.

Q. Just follow what I now say to you. A. All right, sir.

Q. I want you to look at that portion of the paper which contains your signature only—I wish you to recognize first your signature if you can? A. Yes, sir; all right.

Q. Look at that and state whether that is your signature?

(Counsel presents paper to witness.)

A. That ain't mine sir.

Q. Look at that and state whether that is yours?

(Counsel presents another paper to witness.)

A. No, sir—I don't think that is mine.

Q. I want something more positive than that; state whether it is or not; you would know your own handwriting? A. No, sir; that is not mine.

Q. Now we will show you this one also; is that yours?

(Counsel presents another paper to witness.)

A. No, sir.

Q. Do you know whose signature it is to any of these three bills? A. No, sir.

Q. Is it your son's handwriting? A. No, sir.

Q. It is not? A. No, sir; I wouldn't swear it was not my son's; I couldn't swear to his handwriting, but I would say not, but I wouldn't swear to it; I would swear it is not mine; if you have got any of mine there you can see the difference.

Q. You have seen your son write frequently? A. Yes, sir; it

doesn't look like his ; you can tell it from the bills made out there ; the writing on the bills ought to correspond.

Q Now, I will let you look at the three bills in their entirety ? look them over and state whether you recognize the items on them or not ?

(Counsel presents the three bills to the witness.)

A. That is my son's handwriting.

(The witness hands to counsel one of the bills.)

I don't know that one ; that looks like my son's writing but I don't know as it is ; it ain't mine.

Q. That one you do not recognize ? A. No, sir.

Mr. Hirsh.— I will have the two bills marked for identification that he says look like his son's writing ; they are marked just for identification.

(The bills referred to by counsel were marked by stenographer exhibits "M" and "N" for identification.)

(Note.— The third bill presented to witness was marked exhibit "O." Inserted in full at pages 3127 to 3130.)

Q. What is your son's name Mr. Hallock ? A. Luther B. Hallock.

Q. His name is not A. E. ? A. No, sir—that is my name.

Q. The affidavit is then made by your son ; he couldn't sign the name "A. E. Hallock" for you, could he ? A. He swore to some of them ; he keeps my books and knows just about as much about it as I do.

Q. But the bill is rendered by you and his name is not A. E. Hallock ? A. He has taken up the bills to Ransom and has sworn to them ; he kept the account and he knew as much about the bill as I did ; but I am the head of the firm.

Q. But you knew the bills were made out by you to the county— A. E. Hallock meant you ? A. Yes, sir ; but they were not by me.

Q. But they were for goods furnished by you ? A. Yes, sir.

Q. And not by your son ? A. He is a partner of mine ; he is the wheelwright and I am the blacksmith.

Q. He is a partner of yours? A. Yes, sir.

Q. How long has he been a partner? A. For six or seven years ; but he has got the wood department and I have got the blacksmith but we have always put the bills right in together.

Q. But it never appears A. E. Hallock & Co? A. No, sir.

Q. What is the firm name? A. A. E. Hallock ; I do the collecting, —I do most of the collecting and I just pass everything over to him and he keeps my bank account ; he endorses notes when we give notes.

Q. You consider that this was all right for your son to sign an affidavit in an account made by you to the county? A. Yes, sir.

Q. And you permitted him to do that? A. Yes, sir ; I did.

Q. But you do not recognize these bills as anything that you furnished? A. I don't recognize my signature to none of them ; I receipted all bills that were paid here ; I didn't notice when those bills were made—if they were paid here.

Q. All these bills were paid here. A. I endorsed all except one I sent to Mr. Thibault ; I got him to collect it for me ; Mr. Thibault the hardware man came and collected one for me.

Q. Don't talk so much but just look at the bills and see if you endorsed them ; see if you endorsed them. A. I never endorsed any of those.

Q. And yet they were all paid down-stairs? A. Yes, sir.

Q. And they have got the auditor's name and the treasurer's name on them and they were just brought up here for you from the board of supervisors ; you say you endorsed all the bills? A. Nearly all that were here.

Q. Now do you recollect the items of any of these three bills? A. Oh, I can't say about all of them.

Q. Do you recollect the three wagons on those bills? A. No, sir

Q. You would recollect them if they came from your place? A. I couldn't recollect all the wagons.

Q. You couldn't? A. I could recollect if there was a buckboard or a farm wagon.

Q. You see on one of these bills a buckboard wagon don't you?

A. Yes, sir.

Q. Seeing this bill will you say that no such buckboard wagon was furnished to the county? A. Not to my knowledge.

Q. In spite of seeing that bill? A. Yes, sir.

Q. Will you say that no sidebar canopy top wagon was furnished to the county? A. No, sir; only repaired.

Q. Only repaired? A. No, sir; didn't sell them any new ones.

Q. These two bills, for a side-bar canopy-top wagon for \$145 and a buckboard wagon for \$110 you know nothing at all about? A. No, sir.

Q. Do you recognize your signature on this bill containing the dairy wagon \$145? A. I think that was the price of it.

(Counsel presents bill to witness.)

No, sir; that ain't mine, but that is my son's writing on there.

Q. That is the one that you recognize as your son's writing? A. Yes, sir.

Q. You also recollect of having furnished such a wagon to the county? A. Yes, sir; it was \$140 or \$145 I don't know which.

Q. Did you pay anybody any money? Mr. Hallock, or did your son, for getting the work of the county then? A. No, sir; I don't know what he did; I don't think he did; I can't say for him, but I never did.

Q. Do you know what would be the object of putting wagons on bills that were never delivered by you? A. I don't know; I suppose to get the money for them of course, but that is not my bill; I could have fetched the books down but I didn't know that you wanted them; we have got everything regular and straight.

Q. Do you know if your son paid out any moneys to any official for having work done there? A. I don't.

Q. You do not? A. No, sir.

Q. Did your son draw what money he pleased as a member of the firm? A. No, sir.

Q. Or just a regular amount? A. He didn't draw anything; I endorsed all checks; he couldn't draw anything without me.

Q. So that whatever money he draws from the firm he gets from you? A. Yes, sir; that is it exactly; but, if he did work for you, and he does work for himself, and if it is charged for the iron work I collect it and pay him; but, if he does it separately, he collects his own money.

Q. Has he any interest whatever in the iron work? A. No, sir.

Q. Then you are not partners; your son does the wood work and whatever he gets is his? A. That is it exactly; I gave him the wood department; of course, when we build a wagon there is so much iron work and so much wood work and when it is settled I pay him his part and if he collects it he gives it to me.

Q. How is the business carried on so far as the purchase of wagons is concerned—do you buy them together? A. I keep a repository and sell them on commission.

Q. They are sent on commission? A. No, sir; I buy and sell them; I buy and sell them and speculate on them.

Q. Do you lay in a stock of wagons? A. Yes, sir; I have got 75 to 100 in stock to-day.

Q. Those you bought? A. Them he has nothing to do with.

Q. You bought those? A. Yes, sir.

Q. And they are charged to you? A. Yes, sir.

Q. They are not sent on consignment to you? A. No, sir.

Q. They are your property? A. Yes, sir.

Q. And whatever profit is on them you make? A. Yes, sir; he has none of the profits—I mean to say that he has none of the profits outside of his being my son.

Q. I am speaking from a business standpoint purely; he has no interests in your profits at all? A. No, sir.

Q. Except in the woodwork and that he has all to himself? A. Yes, sir.

Q. Do you ever make wagons there? A. Yes, sir; a good many.

Q. Who makes them? A. He makes the woodwork and my men iron it; I keep a painter and a trimmer; we manufacture.

Q. Did you ever manufacture a wagon for the county? A. No, sir.

Q. How long does it take to make a wagon? A. It is according to the kind of wagon.

Q. Any kind of wagon? A. An ordinary farm wagon two days.

Q. Iron work and all? A. Yes, sir.

Q. And painting? A. No, sir; that is an after consideration; it would take at least ten days to do it properly.

Q. But you can get an ordinary farm wagon ready in two days? A. Yes, sir.

Q. How long would it take to make a dairy wagon of the kind you sold to the county? A. That is a different wagon; you couldn't get a wagon like that under six weeks or two months.

Q. You couldn't make it? A. Yes, sir; we could make it; we have to buy the wheels and axles and springs and they will put them together.

Q. Those are not the kind that you manufacture? A. We manufacture farm wagons and buggies; we call them hand made, and when they want a good wagon they come to some manufacturer that manufacture them by hand.

Q. You buy for that purpose the wheels and axles? A. The axles always; yes sir—not always the wheels, we sometimes make the wheels but not very often.

Q. Generally when anything is ordered from you in that way you buy the various things and put them together and paint them? A. We build the woodwork, build the bodies and make the tops, and make the cushions, but we always buy the axles and springs because we can not compete for those.

Q. And nearly always the wheels? A. Most always; yes, sir.

Q. So there is nothing left to build but the body and the top and

the cushions and that is all? A. The shafts, the dead woods and the purchase.

Q. The principal parts of the wagon you buy? A. No, sir, I don't say that; we buy the springs and the springs and the axles always, positively.

Q. You don't consider those the principal parts of the wagon? A. Then the body, the purchase and the wheels; we build the wheels.

Q. When they tell you to build the wagon to order it takes six weeks. A. It is according to the wagon; if it is a top wagon and does not require many coats of paint we get it out quick; if it was a farm wagon or an express wagon it wouldn't be painted like a coupe or a surrey or a top buggy, and we get it out much quicker; I couldn't tell you how long it would take—to make a good wagon three or four months and a cheap wagon three or four days.

Q. Did Mr. Kirby ever bring to you any saddles to fix? A. I don't know but what he has; I don't remember saddles—for riding saddles or saddles for harnesses.

Q. Both? A. Oh, yes, sir; that is in the trimmer's department.

Q. They went on your bills didn't they? A. Yes, sir; up to two years ago; I sold out my trimmer's shop then.

Q. I am speaking about up to two years ago? A. I guess they would be on my bills.

Q. Do you know who used saddles for riding purposes there? A. No, sir.

Q. You never inquired when a saddle came there who it belonged to? A. I wouldn't know when it came; I am on the road; I travel a good deal, and I have men who do this; I drum the roads for customers, selling wagons myself.

Q. Who had charge of your place generally? A. My son when I am away; but the trimmer takes charge of his own department; the blacksmith knows his own business; they only come and ask us: "Shall we trust such and such people," or they ask, "who shall we

charge this to?" and they say A. E. Hallock, or Kings Park or St. Johnland; I wouldn't know what they done except from what they charged there.

Q. When you got money did you get it downstairs? A. Yes, sir.

Q. Every month? A. No, sir; sometimes three months and sometimes six months; it took them quite a good while sometimes.

Q. You always came for it? A. Most always, except I told you that Mr. Thibault used to come for it because he was handy to here.

Q. Did he receipt for you? A. Yes, sir.

Q. He got the checks, did he? A. He never came more than once or twice.

Q. Whoever came got the checks from the county treasurer? A. Yes, sir; I always got my check when I came, and I believe I came almost every time.

Q. Did your son come also? A. No, sir.

Q. Never—your son? A. He might have come once, but I don't remember of his ever coming.

Q. What did you do with the check? A. I deposited it in my bank.

Q. You endorsed it yourself? A. My son endorsed the checks where they were deposited but not where he draws one.

Q. When you draw checks you do not endorse them; I am asking you who endorsed the checks that you got from the county? A. He does that.

Q. In your name? A. Yes, sir.

Q. You always looked at the checks? A. Yes, sir.

Q. And you knew the amounts? A. Yes, sir—oh, yes, sir.

Q. These checks contained the items of these wagons which you say were never sold by you; wouldn't that have been called to your attention by looking at them? A. We got a check for the amount that we carried our bill in for.

Q. You say you never sold these two wagons to the county? A. I don't know which two wagons you mean, sir.

Q. The side-bar canopy top and the buckboard. A. No, sir; I repaired the buckboard.

Q. You did not sell those to the county; now, they appear upon your bills; if you got checks for those wagons you would know it, wouldn't you? A. Yes, sir.

Q. And that would have called the matter to your attention, wouldn't it? A. I think so; I would have known it.

Q. Now, if they appear upon the checks wouldn't that refresh your recollection as to what became of the money or what was done with it by your son or somebody else? A. I don't know as it would, sir; I don't know how that would.

Q. If you got in money for property that you didn't sell or deliver— A. We ought to know it.

Q. You would know it of course? A. Yes, sir.

Q. And you would know what to do with it would you not? A. Yes, sir; but I couldn't tell you what the amount of the checks was that they gave me.

Q. I will show you the checks in a few minutes. A. All right, sir; if it was my personal check it would be my endorsement.

Q. But this is a personal check to A. E. Hallock. A. If I drew my own check—he makes all the deposits—I would sign it, I mean.

Q. You say he endorses the checks for the purpose of deposit? A. That is all.

Q. Suppose he had an arrangement with somebody that he was to add to certain bills certain items—a buckboard wagon here and a canopy top wagon there—for somebody connected with the county, and then goes down and gets the check and was able to get this additional money without your knowing it; that could happen couldn't it? A. Yes, sir; I suppose it could; but I don't think so; I don't think it could—you can't always tell though.

Q. Did you always look at the amount of the checks that you drew when your son asked you for checks for business purposes? A. Yes, sir.

Q. Or did he make out some of the checks and you sign them? A. He makes them out and fixes them all ready for me to sign them.

Q. You are not a very good scholar are you? A. No, sir; I am sorry to say.

Q. And so you relied very largely upon your son, of course? A. Yes, sir.

Q. Would you know the difference if he made out a check for \$300 or for \$30? A. Oh, yes, sir.

Q. Would you? A. I guess I could see the two 0's.

Q. If the check read \$300 and the figures were only \$30 what would you look at—the figures or the “three hundred?” A. I would look at both, and see whether it read three or thirty.

Q. You would look at the writing and the figures both before you signed it? A. Yes, sir; and I will tell you why.

Q. You always did that? A. I don't know that I always did.

Q. If your son made out a check for you to sign— A. I don't think I would always look at that.

Q. The son that is now sick would look at it — you wouldn't always look at it? A. I look at it myself now that he is sick.

Q. Your son is now sick, but he was not sick then? A. No, sir.

Q. So that at this time when the wagons are alleged to have been sold a great many things may have happened with reference to them that you would not know anything about personally; that is true, is it not? A. It might be; yes, sir.

Q. Do you know really the disease that your son is suffering from? A. Yes, sir; it is some disease of the head.

Q. Some brain trouble? A. No, sir.

Q. It is not brain trouble? A. No, sir.

Q. Has he got a doctor attending him? A. Yes, sir; Dr. Squires from Stony Brook — we went for him last night again.

Q. You can't tell the name of the disease? A. No, sir; I will think of it I guess.

Q. Does the doctor say that he is apt to be ill? A. He says he is not dangerous ; it only wants a matter of time ; he is nervous with it.

Q. Do you know what is the cause of it? A. Yes, sir ; billiousness he said.

Q. Billiousness? A. Yes, sir ; I will give you the address of the doctor if you want it — Doctor Squires, of Stony Brook, he is attending him.

Mr. Schulz.— This committee will take a recess until half past two o'clock.

EXHIBIT " M," FOR IDENTIFICATION.

Brooklyn, October 1, 1892.

Board of Commissioners of Charities and Correction, of Kings County, N. Y.,

To N. E. Hallock, Dr.

Date.	Index No.		Amount.
Sept. 5.		To shoeing	\$1 50
10.		To shoeing.....	3 00
22.		1 can harness oil and 1 can wagon grease	60
23.		Rip bridle, 45c.; hold backjust, 65c.; breeching, 50c	1 60
23.		Shoeing.....	75
28.		Shoeing.....	3 00
29.		Shoeing.....	3 00
31. No. 275		1 wagon for dairy.....	145 00
			<u>\$158 45</u>

ENDORSED.

406. October 14, '92. Correct, B. F. G. Original certificate.
(Duplicate).

Kings County, ss.:

..... being duly sworn, doth depose and say that
.... that the items charged in the annexed account by,

presented to the board of commissioners of charities and corrections of the county of Kings, for the purpose of being audited and paid are correct, and that no part thereof has been paid or satisfied.

Sworn to before me, this day }
of 189 . }

.....

Notary Public.

Correct and approved for

.....
.....
.....

Auditing Committee.

Approved by

Board of Commissioners of Charities and Corrections.

REGULAR MEETING.

..... 189 .
.....,

Secretary.

No.

Bill of
for

..... \$

Audited and allowed for \$

Auditor.

Certified by auditor,, 189 , and referred to committee on finance.

Audited and allowed,, 189 , by the committee on finance for

Audited and approved by the board of supervisors,, 189 .

Approved,, 189 .

Supervisor-at-Large.

EXHIBIT "N" FOR IDENTIFICATION.

Brooklyn, August 9, 1892. †

Board of Commissioners of Charities and Correction, of Kings county
N. Y.:

		To A. E. Hallock, Dr.	
Date.	Index No.		Amount.
Aug. 9.		To one buck-board wagon.....	\$110 00
		Transp. Dept., S. and J.	
		Aug. 23, '92. Correct, B. F. G.	

No. 68. 209. (Original certified.) (Emergency.) (Duplicate.)

Kings County, ss.:

.....being duly sworn, doth depose and say
that.....that the items charged in the annexed
account by.....presented to the board of commissioners
of charities and corrections of the county of Kings, for the purpose of
being audited and paid are correct, and that no part thereof has been
paid or satisfied.

Sworn to before me, this.....day }
of189 . }

.....
Notary Public.

EXHIBIT "O" FOR IDENTIFICATION.

Brooklyn, October 24, 1892.

Board of Commissioners of Charities and Correction, of Kings county,
N. Y.:

		To A. E. Hallock, Dr.	
Date.	Index No.		Amount.
N. J.		To one canopy-top wagon.....	\$145 00
		January 14, '93. B. F. G.	

No. 1077. (Original certified.) (Emergency.) (Duplicate.)

Kings County, ss.:

.....being duly sworn, doth depose and say
that.....that the items charged in the annexed

account bypresented to the board of commissioners of charities and corrections of the county of Kings, for the purpose of being audited and paid are correct, and that no part thereof has been paid or satisfied.

Sworn to before me this.....day }
 of.....189 . }

.....

Notary Public.

PROCEEDINGS OF MONDAY AFTERNOON, AUGUST, 5, 1895.

Present — Messrs. Chambers, Schulz and Keenholts, of the committee.

Mr. Hirsh, of counsel.

Alonson E. Hallock, being recalled for further examination, testified as follows:

By Mr. Hirsh:

(Paper shown witness.)

Q. Look at this receipt and state in whose handwriting that is? A. That is mine.

Q. That is your signature? A. Yes, sir.

Q. Well, that receipt, if you will read it, you will see it calls for charities bills Nos. 204, 205, 206, 207, 208 and 209, amounting in all to \$276.60, as added up here on the next page; you see? A. Yes.

Q. And signed by you? A. Yes.

Q. Now, that includes bill No. 209, as you notice? A. Yes.

Q. Here is bill No. 209? A. Yes; included several bills.

Q. Now bill 209 is for that buckboard wagon, \$110 — did you ever sell that? A. No, sir; I don't think I did; no, sir; I can't remember that I did; I repaired one for the same amount, and the other was 155.

Q. The repairs to a buckboard wagon wouldn't cost \$110? A. Some, yes; they are worth \$200, some of them; it ought to have been "repaired" or "rebuilt;" we make it both ways; sometimes we say "rebuilding."

Q. That says, "one buckboard wagon, \$110"? A. Yes.

Q. That doesn't show any repairs, does it? A. No, sir; but that is what it is, if it is \$110—that is what it is; we put on new wheels, new axles, new pole and different things, and it should be "repairing wagon."

Q. And you think this bill was for repairing a buckboard wagon?

A. That is the only one I repaired — that buckboard wagon — and sold one, but not to the county; that is all they ever had of me.

(Another paper shown witness.)

Q. Whose handwriting is this, showing your receipt on April 26, 1893? A. That is mine.

Q. That is for charities bill 1238, as you notice? A. Yes.

Q. I will show you charities bill 1283: "To one side bar canopy top wagon."

(Bill shown witness.)

A. That I don't know anything about.

Q. Never sold that? A. Not that I know of; no, sir.

Q. I show you the check that was paid you for that \$145 bill; is that your signature? A. That is mine, yes.

Q. What did you do with your checks after you got them from the charity department? A. I never got them; you know I deposit them; then I never see anything more of them.

Q. After you got them what did you do with them? A. Deposited them in the Market and Fulton bank where I keep my bank account.

Q. Did you deposit this \$145 check? A. I think so; I don't know; I think so, yes; I could tell whether it was on the back of it.

Q. There is no mark of deposit on the back at all, but there is the signature of Charles F. Assenbach on the back? A. That is a harnessmaker; I paid that, instead of depositing it, to that harnessmaker.

Q. And yet you don't recollect what you got the \$145 for? A. No, sir; because that surrey that we spoke of didn't come to that money, that surrey that we rebuilt for the county and I sold to King's Park didn't come to that money.

Q. This doesn't say for surrey; this says for the side bar canopy top wagon; that is a kind of wagon you didn't sell to the county, you say? A. No, sir; I don't know that I ever sold them one of that kind.

Richmond E. Thompson, being called as a witness and duly sworn by Mr. Schulz, testified as follows:

By Mr. Hirsh:

Q. What is your business or employment, Mr. Thompson? A. Agent of the Long Island Railroad Company.

Q. Stationed where? A. King's Park.

Q. And how long have you been stationed at that place? A. Fourteen years this December.

Q. And what is your particular business while there? A. Telegraphing, freight, express, tickets.

Q. You tend to the telegraphing? A. Yes, sir.

Q. You look after the freight? A. Yes.

Q. Expressage and tickets? A. Yes; I have entire charge of the station.

Q. All the work of the station? A. All the work; yes, sir.

Q. From the 1st of January, 1890, up to December 31, 1894, were there articles sent by express or freight from your place to the residence of Mr. Gott? A. Yes, sir; I have here a list that is taken from my book, express, from 1890, not including freight, to August 7th.

Q. That is as far as you have been able to get while you were here? A. Yes.

Q. Now, if you will, state to the committee what was sent so far as your books state the articles? A. Give the dates?

Q. Dates— A. Express forward 1890, January 1st., two birds, B. F. Gott, 8 St. James place, consignor's name not given; March 24, 1890, one box, B. F. Gott, 8 St. James place, consignor's name not given.

Q. Any contents of box stated? A. No, sir; that I can't give; on June 9, 1890, one basket, B. F. Gott, 8 St. James place, consignor's name not given; 1891, January 28th, one box, B. F. Gott, 8 St. James place, consignor's name not given; January 30, 1891, one box, B. F. Gott, 8 St. James place, consignor, Kirby; May 18, 1891, one basket, B. F. Gott, St. James place, consignor department C and C, paid by the county, charged on their bill for that month; May 25, 1891, one package, B. F. Gott, St. James place, consignor's name not given; June, 1891, 19th day, one box, B. F. Gott, 8 St. James place, consignor, Kirby, paid by Kirby—that is, carriage, express charges; June 30, one package, B. F. Gott, 8 St. James place, consignor, Kirby, paid by Kirby; 1891, August 18th, one box, B. F. Gott, consigned by Kirby, paid by Kirby; October 7th, one barrel of fruit, B. F. Gott, 8 St. James place, consignor, Kirby; October 7th, again, box of glass, B. F. Gott, 8 St. James place, consignor, Kirby; November 11th, one barrel of farm produce.

Q. What was that? A. I can't tell you; something for the garden; B. F. Gott, 8 St. James place, consignor's name not given, and not charged to the county; 1892, January 13th, one box, B. F. Gott, 8 St. James place, consignor's name not given, not charged to the county; February 11th, one box, B. F. Gott, 8 St. James place, Kirby, not charged to the county; March 28th, one box, B. F. Gott, 8 St. James place, consignor, Kirby, not charged to the county; April 8th, one box, B. F. Gott, 8 St. James place, consignor, Kirby; August 12th, one box, sent by Kirby; May 13th, one package, B. F. Gott, sent by Kirby; May 30th, one box, B. F. Gott, consignor's name not given, and not charged to the county; June 13th, one box, B. F. Gott, 8 St. James place, consignor's name not given, not paid by the county;

June 21st, one box, 8 St. James place, consignor, Foram; Foram is the milkman there, the county milkman; June 27th, one package, B. F. Gott, 8 St. James place, consignor's name not given, not charged to the county; September 3d, one box, B. F. Gott, 8 St. James place, C. & C.

Q. When you say "C. & C." do you mean that was charged to the county? A. Yes; that was "C. & C.;" September 29th, one parcel, B. F. Gott, 8 St. James place, consignor's name not given; October 4th, one box, B. F. Gott, 8 St. James place, consignor's name not given, charges collected at this end, that is, paid by Mr. Gott; October 4th, one barrel of farm produce, B. F. Gott, St. James place —

Q. Won't you be a little more distinct? A. October 4th, one barrel, B. F. Gott, 8 St. James place.

Q. You said a barrel of farm produce didn't you? A. Yes; consignor's name not given, charges collect at this end; November 2d, one package, B. F. Gott, 8 St. James place, consignor, Kirby, not charged to the county; November 23d, one parcel, to B. F. Gott, not charged to the county, nor consignor's name given; December 7th, one keg, B. F. Gott, sent by Kirby, not charged to the county.

Q. Do you know what was in the keg? A. Well, I couldn't swear to it, but I think, clams; I think all those keg shipments contained clams; January, 1893, 2d day, one box, B. F. Gott, sent by Kirby, not charged to the county; January 28th, one package, valued at \$2, to B. F. Gott, sent by Kirby, not charged to the county; February 17th, one box, to B. F. Gott, consignor's name not given; March 14th, one keg, B. F. Gott, sent by Kirby, not charged to the county; March 24th, one barrel of farm produce, B. F. Gott, consignor's name not given, nor charged to the county; April 11th, one keg, B. F. Gott, sent by Kirby, not charged to the county; May 1st, one box, B. F. Gott, sent by Butterly, charges, collect at this end; that is the boss farmer; June 6th, one box, B. F. Gott, sent by Kirby, not charged to the county; August 7th, one

box, B. F. Gott, sent by Kirby; that is as far as I have got with any —

Q. You have still four months in 1893? A. Yes.

Q. I wish you would do that now Mr. Thompson, and we will wait for you.

(Witness complies.)

Q. Just continue your testimony now with reference to things that were sent to Mr. Gott. A. October 25, 1893, one package, B. F. Gott, 8 St. James place, consignor's name not given, not charged to the county; November 7th, one package, same address, shipped by Mr. Kirby and paid by Mr. Kirby; December 2d, one package, Mr. Gott, same address, sent by Mr. Kirby and paid by him.

Q. That is all of the expressage? A. That is all of the express forwarded, yes.

Q. Now you will examine your books please for such freight as you may have sent.

Xenophon Stoutenborough, being called as a witness and duly sworn by Mr. Schulz, testified as follows :

Examined by Mr. Hirsh :

Q. What is your business? A. Manufacturer, house furnishing goods.

Q. You have been in that business how long? A. Forty years.

Q. Wholesale? A. Wholesale entirely.

Q. Strictly wholesale? A. Strictly.

Q. During that time have you also been a bidder, successful or otherwise, for the county institutions of this county? A. For several years in succession.

Q. What have been the class of articles that you were the successful bidder for for the department of charities and corrections for those years? A. Goods suitable for the different institutions, heavy tinware and so forth, classified as.

Q. And when did you cease being a successful bidder? A. Not since 1890.

Q. You have not been a successful bidder since 1890? A. Not been a successful bidder since 1890.

Q. You were a bidder on the schedules of 1890? A. Yes.

Q. And you were beaten by whom? A. By Mr. James Brooks and by Mr. Hanna.

Q. After you found that you were the unsuccessful bidder did you go to the department? A. I did, sir.

Q. And see whom? A. Colonel Gott.

Q. Have a talk with him? A. I had a conversation with both Mr. Murphy and Colonel Gott.

Q. Just state — A. The only conversation I had with Mr. Murphy was to ask him for my certified check, which I was obliged to give.

Q. With your bid? A. Accompanying the bid I had to give a certified check; that check remained in the office for six weeks before I called for it.

Q. And that was all the conversation you had with Murphy regarding the return of your check? A. That is all, sir.

Q. What was the conversation you had with Gott? A. While waiting to get my check I requested Colonel Gott to show who got the bid, also to give me the name of the successful bidder.

Q. As against you? A. As against me, in my class, yes, sir; but he declined to show me; I told him that I had a right to ask him that privilege as a taxpayer; his reply was: "As a taxpayer you have, but not as a bidder," or "competitive bidder." I told him that the bids had been opened some six weeks and I was no longer a bidder; he still declined to show me.

Q. Even after he stated to you that as a taxpayer you were entitled to see the bid, he declined to show it to you? A. He declined to show it to me.

Q. You reminded him of the fact that the contract had already been awarded? A. Reminded him that the contract had already been awarded and I could under no possibility come in collusion with any one, because I was no longer a bidder; the contracts had been awarded to the successful bidder, and I wanted to see merely to gratify myself and to find out upon what goods I was beaten upon.

Q. And he refused? A. He declined peremptorily.

Q. Did you have any conversation with him at that time regarding some of the items on the schedules? A. I wanted to call his attention to several articles that I supposed I was underbid, and wanted to show him how I was beaten; he still declined to give me any satisfaction whatever, and I left; told him that I had taken legal advice and was told that I could demand it from him if necessary, and I probably would resort to that means, but I did not.

Q. Did you mention the items to him which you thought—upon which you had been underbid? A. Yes, mentioned one or two articles that I suppose I was beaten upon.

Q. What did you say to him; what items did you mention? A. Well, I mentioned in one line, agate.

Q. Agateware? A. Agate chambers, yes, agateware.

Q. What did you say to him about that? A. I told him that I would like to see—I merely asked him to show me that bid, and I would give him the market price upon those goods, or the cost price; I bid upon those goods just exactly what they cost me, to be on the safe side; couldn't make anything or lose anything; and also upon refrigerators.

Q. Refrigerators you bid at cost? A. Yes, I bid at cost, the manufacturers' cost; at that time we were acting as agents for the manufacturers?

Q. You were the agent for the manufacturer? A. Well, at one time we were exclusive agents.

Q. And you bid at that time what it would actually cost you to get them from the manufacturer? A. Just exactly.

Q. And if you had to pay the expressage to send them to the various institutions where they were demanded, that would be so much below the actual cost? A. I would have been out of pocket the cost of transportation from New York to Flatbush.

Q. What did he say to you about that? A. He said: "I can't help that sir; I can't show you the schedule of your competitors' bids," and then he related a circumstance where a contractor had bid for lamp posts at 50 cents a dozen and the contract was awarded to him, and he said: "If this party had beaten you upon these prices, if called upon, they will have to supply the goods;" well, that ended the conversation I had with Colonel Gott.

Q. Did you say to him also at that time that you had been informed that many of the articles on the schedules would never be called for? A. Well, that I can not positively swear to; I had quite a long conversation with him, but he wanted to get rid of me.

Q. Don't you recollect Mr. Stoutenborough pointing out to him certain articles, or reminding him of certain articles that it was generally known would not be called for on the schedules? A. Yes, I brought over a duplicate copy of what was called for.

Q. The schedules? A. Schedules, yes; but he wouldn't listen to me and wanted to get rid of me; my conversation then was very brief with him and I left.

Q. You have mentioned the item of refrigerators; do you know what the kind of refrigerators that were in this schedule were worth at the time? A. They were about \$40, I think. (Witness refers to price-list.) Yes, \$40.

Q. Forty dollars each? A. For one size.

Q. The schedules of 1892 and 1893 contain the following item: "Refrigerators, upright, double door, New Perfection, No. 15." They advertise 12, and Mr. Brooks, who is the successful bidder, bids \$2.50 each; is that the item you referred to? A. That is the item, sir.

Q. The next item is: "Refrigerators, upright, double door, New

Perfection, No. 6," for which he bids \$3; could either of those items have been furnished for that price? A. No, sir, nor anywhere near it.

Q. Could they have been furnished for less than \$40, either size?

A. No, sir, not at that time; well, one size could, but not No. 15; No. 15 not any less than \$40.

Q. And No. 6? A. (Referring to price-list.) And No. 6 was about \$30.

Q. Did you know Brooks before he became a successful bidder? A. In my employ for a number of years—my partner's.

Q. Will you look at the schedule of 1892 and '93, that I now hand you, and state exactly, as you go over the items of which you know the price and have made memorandums when you saw them before; read the line, please, state what amount was bid and what the market price was at the time—the lowest cost price at the time? A. What year was this?

Q. That is the schedule of 1892 and '93. A. (Referring to schedule.) Well, the first item that I noticed was—what did I understand you to say, Mr. Hirsh?

Q. I want you to read the item and the amount that was bid by the bidder, and to state from your own knowledge what the cost price was of the article at the time, from the memorandums that you made, Mr. Stoutenborough; where there is no memorandum don't read the item; simply read the principal items showing the different bid prices? A. Tin teaspoons, for instance, charged 50 cents a dozen; we should have been glad to have sold them for about 15 cents; is that what you mean; the first item is coal hods, \$6 a dozen; price should have been \$4.50; my price should have been \$4.50, and I think it was; sad irons, 6 cents a pound; my price should have been 4 cents; bake pans, \$2.40 a dozen contracted for; my price would have been \$1.75; nutmeg graters, 50 cents contracted for; my price would have been 25 cents; can openers, American, \$2.50 a dozen bid for; price should have been 75 cents; wash basins, \$2 a dozen; my price,

\$1.50; tea spoons, No. 305, 50 cents a dozen; should have been 14 cents.

Q. You said you would have been glad to get 15; is that the— A. Yes; No. 40 table spoons at 65 cents a dozen; about 20 cents should have been; and again, No. 4 tin spoons, they bid 75 cents for the same thing; that should have been 15 cents; teapots, Britannia, \$3.25; should have been \$2.25; on the tin 5-gallon pails he bid \$2 a dozen; price should have been \$10.50—would have been my figure.

Q. Ten dollars and fifty cents a dozen? A. Yes, instead of \$2; none called for; and 3-gallon pails is the same, they bid \$1 a dozen on; my price should have been \$7.50; cake turners, \$3.50; price should be \$1.75; skimmers, 3 dozen, they charge \$3.50 a dozen; price should have been \$1.50; tin dust pans, as per sample, \$2.50; should be \$1.50; dish pans, \$11 a dozen; that price should have been \$8 50; tin pudding pans, \$4 a dozen; \$2.50 should have been charged; tin pudding moulds, \$1 a dozen; price should have been \$4; you understand, Mr. Hirsh, these goods were not called for.

Q. I understand; the goods in which they were lower than you the goods were not called for? A. Yes; tin coffee pots, \$6 a dozen; my, price was \$4.50; tin coffee pots, three-gallon, \$12; my price, \$9.75; scoops, assorted, 2 dozen, \$8; my price was \$2.34; asparagus boilers 50 cents a piece; 40 cents should have been the price; bread cutters, acme, at \$4.50; should have been \$2.25; iron pots, 10-gallon, \$8.50 each; should have been \$3.25; 2-gallon, \$2; should have been 60 cents; 2-gallon, \$2.50, should be 84 cents; \$2.75, \$1.05; 4 gallons, \$3.25, \$1.30; 4 gallons, \$3.50, \$1.50; sauce pans, 1 quart, \$1; should have been 24 cents; sauce pans, 2 quarts, \$1.25; should have been 31 cents.

Q. The first figure you mentioned is the amount that was bid by the successful bidder, and the second is your own figure that you would have furnished them at? A. Yes, first line was the successful bidder, and the last line would have been mine; sauce pans, 8-quart, \$2.50,

should have been 56 cents; carpet sweepers, Rollins, \$4.50 a piece, should have been \$2.25; ice cream freezers, 16-quart, Sands patent, or White Mountain, \$8.25 each; my price \$6.80; 10-quart, at \$2 each, \$4.80, and 6-quart, \$1.50; should have been \$4.20; lemon squeezers \$4.25, \$2.

Q. Four dollars and twenty-five cents a dozen? A. A dozen; my price was \$2; castors, six bottles, Rogers & Brothers triple plate, \$8, \$4.50; coffee pots, brittania, one gallon, \$3.25, \$2.25; chambers, agate, \$1 a dozen, \$10.50.

Q. Is there any rule with reference to that agateware Mr. Stoutenborough, so far as the rule made by the agate manufacturers and jobbers? A. Yes, sir.

Q. What is that rule? A. The two manufacturers—the principal manufacturers in this country are the Lalance & Grosjean Manufacturing Company, and the St. Louis Stamping Company; both agreed upon a regular trade price to the jobbers and giving the jobber an extra $12\frac{1}{2}$ per cent.

Q. Off? A. Yes, sir; and then the quantity ordered—that was, at the time this bid was opened; they have now changed it this last year; but at the time this bid was opened there was an extra 5 per cent. if you sold a certain amount, \$10,000, which we did; we got the extra five per cent.; that left the profit to the jobber of $12\frac{1}{2}$ and 5.

Q. If he sold it at the net price to the retailer? A. And he sold it at 40 off to the retailer, you know, the jobber sold it at 40 off to the retailer, leaving a profit to the jobber of $12\frac{1}{2}$ and 5.

Q. Was it possible at that time to get chambers, agateware, at anything like the price— A. No, under no possible way.

Q. Not from anywhere; there are only two manufacturers of it? A. Not from anywhere, because we signed a contract at that time, if we undersold prices given to us we were cut off and put on the retail list, cutting us off of that extra $12\frac{1}{2}$ and 5.

Q. And had to pay retail prices? A. And we had to sign a bond—yes—to that effect; yes.

Q. Now if you will proceed with the schedule? A. Cuspidors, enameled, self-righting, Ohio patent, \$12; my price was \$9; wire netting 6 cents a square foot; that should have been 3; wire netting for screens, $4\frac{1}{2}$ cents were charged, should have been $3\frac{1}{2}$; well, there is something here I suppose is bid for 1 cent a foot, wire screening, galvanized iron 5-8 mesh, they bid, I suppose; that should have been about 15 cents a foot as near as I can recollect it.

Q. They bid what? A. One; tin heavy japaned 50-gallon cans, \$24 were bid for, or \$2 each you may say (referring to price list); the price should be \$6.60.

Q. Seventy-nine dollars and twenty cents a dozen? A. Yes; that would be \$79.20 instead of \$24.

Q. Now will you look at this schedule, Mr. Stoutenborough and state whether in your bidding you make any difference between the items appearing on line 443 and 452; you notice the bid is there \$2? A. (Referring to schedule.) Oh, socket handles, yes 443 tin dippers, gallon, heavy socket handles, at \$2 a dozen.

Q. And what was the value of those? A. Seven dollars and fifty cents.

Q. Now on line 452 what do you find? A. The same thing, sir.

Q. And the bid is there how much? A. Three gallons, socket handles, \$12.

Q. Twelve dollars a dozen? A. Yes; it is the same item.

Q. There were three dozen of those taken at \$12, but none of the others? A. None of the others, no, sir.

Q. Now, if you look at line 459, what is your bid and what is theirs. A. Tin pudding pans, \$4 a dozen, there were 16 dozen taken; my bid was \$2.25.

Q. Now look at item 460, page 20; same thing bid there? A. Yes, that is the same thing.

Q. What does it say? A. At \$2 a dozen, $4\frac{1}{2}$ dozen taken.

Q. Sixteen dozen taken at \$4 and $4\frac{1}{2}$ taken at \$2; what was the fair value of those things? A. About \$2.25.

Q. Two dollars and twenty-five cents a dozen ; do you know whether Brooks actually bought from you some of the articles that he underbid you on in the schedules ? A. No, sir ; he did purchase some goods from us, but very few, but what they were I don't recollect ; at the first year that he got the contract he came and bought some goods from us, but very few ; what they were I don't recollect.

Q. You notice Mr. Stoutenborough that the refrigerators which you mentioned at the beginning of your testimony formed a part of the same class upon which these other items appear ? A. Yes, sir.

Q. And the refrigerators alone amounted to in the neighborhood of \$1,000 ? A. Just about, sir.

Q. While these other items were comparatively small ? A. Yes, sir.

Q. And a person bidding upon the assumption that all the articles would be called for, could not have bid in the manner in which this bid that you have just read was made up ? A. No, sir ; no honest bidder could stand a show to get a contract.

Q. No honest bidder could stand a show to bid for that contract and be successful against a man who knew that certain articles amounting to a considerable sum would not be called for ? A. Yes, sir ; the inference I gave was that they were—or the successful bidder was posted what goods would be called for and what goods would not be called for ; that was my inference.

Q. Had any suggestions been made to you ? A. No, sir.

Q. Or were you informed in any way, roundabout or otherwise, that there were certain articles that would not be called for, and you state so to Mr. Gott ? A. No, sir ; I couldn't swear to that, although it was rumored by people who bid, told me they knew such and such things, but I took no notice of it.

Q. You bid upon the assumption that the department was run honestly and that whatever was called for in the schedule would be called for ? A. I supposed so, more or less, and I bid year after year I was defeated ; I bid merely to keep up my identity with the institution, or the department.

Q. Knowing at the same time that you could not compete with the other bidders A. Yes, sir, and I knew sooner or later it would come out; but there was no chance for an honest bidder.

Q. You were shown a box containing certain gauger's implements in my office; a small square box of gauger's implements? A. Yes.

Q. You recollect that? A. Yes.

Q. We have it here; did you inquire the value of that? A. No, I did not; I have been out of town since.

Q. You said to me what you inquired from Mr. Tagliabieu? A. Oh, a thermometer.

Q. Yes, thermometers and barometers for gauging? A. They charged about \$1.50 a dozen more than my price I think.

Q. No, I am not speaking of thermometers; you recollect a box of gauger's implements that were shown you, a small square box of gauger's implements? A. Yes, I recollect now; I seen it.

Q. You stated to me that the manufacturers told you it was worth about \$5—do you recollect that? A. No, sir.

Q. You recollect to what I refer? A. I recollect, but I thought it was thermometers you were referring to.

Q. No, a gauger's implement? A. No, sir; I don't recollect.

Q. Would you recognize the box if I showed it to you? A. I think so, yes.

Q. I show you this box—state whether you ever saw that before? (Box referred to shown witness.) A. Yes, I did see this box before.

Q. Now, did you inquire what the value of that was? A. No, sir; I did not.

Q. You mentioned in my office the other day when you were asked about it that you inquired from Mr. Tagliabieu? A. Yes, a thermometer; but I intended to do it; I will do so, however, because we buy goods from him weekly and daily.

Q. Do you know what these are called? A. No, sir; I do not.

Q. Government gauger's barometer, hydrometer—you may make

inquiry, and some time on your return, Mr. Stoutenborough, I will ask you to come in and just give us that testimony? A. I will do it—yes, sir.

Mr. Hirsh.—The committee will have to excuse me for a moment. The Long Island Railroad Company refused to permit us to examine the books, so that we will have no time for preparation for this witness (Mr. Richmond E. Thompson) at all. We were compelled to subpoena him with his books. For that reason we must get the information here in court the best we can. We ask for the delay until the information is obtained.

Mr. Schulz.—This committee will adjourn until 10 o'clock to-morrow morning.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON
AFFAIRS OF CITIES AT A MEETING HELD TUESDAY
MORNING, AUGUST 6, 1895, AT BROOKLYN, N. Y.

Present — Messrs. Schulz and Chambers, of committee.

Mr. Hugo Hirsh, of counsel.

Richmond E. Thompson, having been recalled for further examination, testified as follows:

By Mr. Hirsh:

Q. Have you looked over the books of the Long Island Railroad Company, in your charge, regarding goods sent by express from St. Johnland and Kings Park to any other persons besides Mr. Gott? A. Yes, sir.

Q. Please state what they were and to whom they were sent? A. In the year 1890, on the 5th day of May, sent by Mr. Travis, one keg to F. Nolan, 161 Bedford avenue, Brooklyn, paid by the shipper.

Q. Who was Mr. Travis? A. He was not connected with the farm in any way—that is, as far as I know; he was a painter—used to

paint, I think, for Mr. Birkett on some contract work there; June 5—same year—one basket to F. Nolan to same place—shipper's name not given; on September 1, 1890, one box to Mr. Nolan—shipper's name not given; on December 5, 1890, one barrel—consignor's name not given—to Mr. Nolan; in 1891, January 23, one corpse to Mr. Nolan, Long Island City.

Q. One corpse? A. Yes, sir.

Q. Mr. Nolan was an undertaker? A. Yes, sir—so I understand.

Q. And this is the corpse of a person who died there in St. Johnland and was shipped to him? A. Yes, sir—by express; May 25, 1891, one corpse to Mr. Nolan, Long Island City; September 15th, to Mrs. F. Nolan, 161 Bedford avenue, shipped by C. Coyne—charges collect; September 22d—

Q. What was that—a package or a parcel or what? A. One barrel of apples.

Q. That was one barrel of apples? A. That was one barrel of apples; on September 22, 1891, another corpse to Mr. Nolan, Long Island City; September 28th, one box to Mrs. Nolan, shipped by Mr. Slavin, contents unknown by me.

Q. Slavin was employed there? A. Yes, sir—a driver; October 7 1891, two barrels of fruit, shipped by Mr. Conlon to Mr. E. Freel, 209 Clifton place; October 27, one barrel of fruit to Mr. Birkett—but then Mr. Birkett has a home there; December 9, 1891, to Mr. Nolan, Long Island City, another corpse; on December 24, 1891, to Mr. Birkett, a keg, 120 Laurence street.

Q. One keg? A. One keg; I presume it contained clams, but I can't say; March 24, 1892, shipped by Mr. Mills to Francis Nolan, 2 bags of potatoes—Mr. Mills is in no way connected with the farm; March 25, 1892, 2 packages, P. McCanna, Clarkson street, shipped by Mr. Kirby and paid; June 2, 1892, 1 keg to Mr. Birkett, shipper's name not given; on July 6, 1892, 1 barrel of farm produce shipped by Mr. Foran to Mr. Nolan, 161 Bedford avenue, charges collect; August 5,

1892, 1 box shipped by C. and C. to Mr. Nolan, 1 box, 2 stools, and 1 C stick—I can't recall what a C stick is.

Q. State that again. A. One C stick—centre stick—something they use with the undertaking business—charges paid; on January 3, 1893, 1 box of chickens, valued at \$10, shipped to P. McCanna by Mr. Kirby; February 8, 1893, 1 box valued at \$3, to T. A. Kerrigan, 9 Willoughby street, shipped by Mr. Kirby and paid; February 17, 1892, 1 barrel of clams to Mr. Nolan, 161 Bedford avenue, and shipped by Mr. Butterly and paid for by Mr. Butterly; on February 28, 1893, 1 barrel of clams to T. A. Kerrigan, shipped by Mr. Kirby and paid for by Mr. Kirby; March 1, 1893, 1 box to Mr. E. Freel, 209 Clifton place, by Mr. Connell and paid for by Mr. Connell; March 16, 1893, 1 box to Mr. Birkett, 351 Jay street, shipped by Mr. McCanna, charges paid by Mr. Birkett—that contains fittings of some kind to be repaired; March 18, 1893, 1 barrel of clams to T. A. Kerrigan, 9 Willoughby street, shipper's name not given, but paid for by the shipper whoever it was; March 20, 1893, 1 barrel of clams to T. A. Kerrigan, 9 Willoughby street, shipped by Conlon and paid for by Conlon; March 21, 1893, 1 keg of clams to F. Nolan, 161 Bedford avenue, shipped and paid for by Mr. Kirby; March 30, 1893, 1 box of eggs to T. A. Kerrigan, 9 Willoughby street, shipper's name not given and paid for by shipper.

Q. That was a box of eggs? A. Yes, sir; that was a box of eggs; March 30, 1893, to Mr. Nolan, 161 Bedford avenue, 1 box of eggs, shipped by Moran and paid for by Mr. Nolan; March 31, 1893, 1 half barrel to Mr. F. Nolan, shipped by Mr. Butterly and paid for by Mr. Nolan; 1893, April 11th, 1 half barrel to Mr. Nolan, 161 Bedford avenue, shipped by the department of charities and corrections and paid for by the department; April 19th, 1 box of glass to Mrs. Kerrigan, 196 Nassau street, shipped by Mr. Kirby and paid for by Kirby; April 21st, 1 box of eggs to George H. Murphy, 453½ State street, shipped by Mr. Butterly and paid for by Butterly; May

1st, 1 box to George H. Murphy, 453½ State street, shipped by Mr. Butterly and paid for by Mr. Murphy; May 1st, 1 box to Mr. F. Nolan, 161 Bedford avenue, shipped by Mr. Butterly and paid for by Nolan; May 22d, 1 box (3 chickens alive) to Mrs. F. Kerrigan, 196 Nassau street, shipped by Mr. Kirby and paid for by Kirby; May 26th, 1 keg to George H. Murphy, 521½ State street, sent by Mr. Kirby and paid for by Kirby; August 29th, 1 package to Mrs. F. Kerrigan, 196 Nassau street, sent by Mr. Kirby and paid for by him; September 9th, to Mrs. F. Nolan, Long Island City, 1 washstand, 1 piece of marble, 1 baby cab and contents—baby carriage I suppose—shipper's name not given; November 20th, 1 barrel of farm produce to George Kerrigan, 253 Classon avenue, shipped by Mr. Kirby and paid for by Mr. Kirby; November 28th, 1 box to Mr. Freel, 209 Clifton place, shipped by Connors and paid for by same; November 29th, 1 box to Mr. McCanna, Clarkson street, Flatbush, shipped by Connors and paid for by shipper; that covers all the express matter.

Q. Now what have you by freight? A. Freight forwarded from January 1, 1890 to 1894: Eighteen hundred and ninety-two, April 15th, from Butterly to F. Nolan, 161 Bedford avenue, Long Island City station, 1 cow, not charged to the county—and I can state that that did not come from the county; in 1892, November 15th, from the department of charities and corrections to Chief McCanna, two top wagons, charges charged to the county—two top wagons; December 31, 1892, from the department of charities and corrections to Mr. McCanna, 1 top carriage, charged to the department.

Q. One top carriage? A. Yes, sir; I think the three were top carriages, but I couldn't say, my book don't show; 1893, June 9th, to Mr. Kirby, Flatbush avenue depot, charges to be collected at this end, 2 horses.

Q. Now, have you also figured up how much was charged to the department of charities and corrections each month for expressage and freight during the years from 1890 to 1894? A. Yes, sir.

Q. If so will you state the figures per month? A. Express bills for 1890, commencing in January :

For the month of January.....	\$135 27
February.....,	125 03
March	127 05
April	115 33
May.....	120 70
June	107 55
July.....	118 92
August	121 72
September	111 95
October.....	125 08
November.....	111 33
December	111 17

Making a total for that year of \$1,431 10

1891.

For the month of January	\$105 27
February	96 43
March	99 95
April	95 04
May.....	103 35
June	106 45
July.....	130 75
August	114 75
September	112 00
October	119 05
November.....	108 70
December	111 40

Making a total for that year of \$1,303 14

1892.

For the month of January	\$103 33
February	114 93
March	127 30
April	144 65
May	139 97
June	151 00
July	166 29
August	153 56
September	172 41
October	154 27
November	163 98
December	167 52

Making a total for that year of \$1,759 21

1893.

For the month of January	\$141 55
February	57 06
March	71 14
April	61 27
May	68 86
June	88 01
July	78 55
August	26 97
September	55 45
October	58 80
November	79 17
December	73 55

Making a total for that year of \$860 38

Now, I have the freight for
1890.

For the month of January	\$104 72
February.....	84 27
March	110 83
April	164 66
May.....	210 47
June	184 15
July.....	285 83
August	177 26
September	160 02
October.....	201 24
November.....	95 21
December	154 24

Making a total for that year of..... \$1,932 90

1891.

For the month of January	\$164 72
February.....	130 02
March	215 38
April	262 85
May.....	199 76
June	223 15
July.....	210 52
August	199 26
September	195 37
October.....	179 82
November.....	77 51
December	120 19

Making a total for that year of..... \$2,178 55

1892.

For the month of January	\$97 25
February	140 06
March	210 14
April.....	156 47
May.....	170 20
June	278 16
July.....	342 86
August	257 57
September	208 60
October	106 02
November.....	167 88
December	105 84

Making a total for that year of..... \$2,241 05

1893.

For the month of January	\$144 31
February	98 67
March	159 70
April.....	159 20
May.	110 27
June.....	203 84
July.....	129 32
August.....	147 52
September	221 42
October.....	178 26
November.....	220 88
December	217 62

Making a total for that year of..... \$1,991 01

The total express for those four years is \$5,353 83

The total freight for those four years is 8,343 51

Grand total \$13,697 34

That is all I have, Mr. Hirsh.

Benjamin M. Bailey, having been called as a witness and duly sworn by Mr. Chambers, testified as follows:

By Mr. Hirsh:

Q. Where do you live, Mr. Bailey? A. St. James, Smithtown, Long Island.

Q. What is your business? A. Farmer.

Q. You are a practical farmer? A. I think so; yes, sir.

Q. And that has been your business all your life? A. About all my life.

Q. And your father before you? A. Yes, sir.

Q. Were you employed at Kings Park, or St. Johnland? A. Yes, sir.

Q. At any time? A. Yes, sir.

Q. From what time to what time were you employed there? A. I was appointed head farmer at the first meeting of the old board of charities commissioners—that is, Colonel Gott, Mr. Nolan and Mr. Murphy—at the first meeting of that board I was appointed.

Q. In January, 1890? A. Yes, sir; I think so—or 1889, I wouldn't be sure which.

Q. You have the letter appointing you with you? A. Yes, sir.

(Witness produces letter and hands it to counsel.)

I was appointed in 1890.

Q. In 1889? A. No, sir; 1890.

Q. On what date? A. January 4th the appointment is dated.

Q. And that letter directs you to report to whom? A. To Dr. B. A. Harrison, the medical superintendent, county farm, St. Johnland.

Q. And in response to that letter did you go to Kings Park and report to Dr. Harrison? A. I did; yes, sir.

Q. Now, after reporting to Dr. Harrison what did you do? A. I took charge of the men that were employed there on the farm and went on with the work as it was left by my predecessor.

Q. Mr. Bailey, will you kindly raise your voice a little so that the stenographer can get down what you state? A. Yes, sir.

Q. When did you see Mr. Gott after your appointment? A. About two weeks I think it was.

Q. At St. Johnland? A. Yes, sir; he came to the dairy farm with the superintendent, Dr. Harrison.

Q. He was with Dr. Harrison? A. Yes, sir.

Q. Did he have any conversation with you then? A. He merely asked me if everything was all right on the farm; I told him I believed that it was, and that is about all that he said to me until he went away; he spoke with the superintendent for some time, and when he was going away he asked me if I wanted to see him for anything, I told him that I did not.

Q. How long had he been there and talked when he asked you whether you wanted to see him for anything? A. I should judge about ten or fifteen minutes.

Q. And then he went away? A. Yes, sir.

Q. After that when did you see Mr. Gott? A. The next time he came up to the county farm, I can't exactly remember how long the intervening time between was, I met him then going from the cottage where I resided to the doctor's office; he was in company with Mr. Freel.

Q. Dr. Harrison's office? A. I was going to Dr. Harrison's office and I met him about at the boiler-house or kitchen-house.

Q. Speak a little louder, Mr. Bailey? A. All right, sir.

Q. Did he say anything to you then? A. Well, he said that the last time he was up he expected to see me — that is, he expected me

to call on him — and he wanted me whenever he was up there to make it my business to come to the white house and see him personally.

Q. What else did he say? A. He wanted to know how I liked the superintendent, Dr Harrison; I told him very well, and he said that they were not very well pleased with him—that is, that they didn't like him—and anything that I saw that looked in anywise peculiar at all he wished I would report it to him.

Q. Did he say he wanted to get rid of Dr. Harrison? A. I understood him that way; yes, sir.

Q. How long were you there altogether, Mr. Bailey? A. Let's see; about two years and two months.

Q. During that time did you have any conversation with Mr. Gott regarding the sending of fruit or vegetables to his house? A. Yes, sir; the last year that I was there, in 1891, at the white house one time when I called on him there personally and was alone with him, he said that he would like to have me ship him some fruit and vegetables, the first that we had there on the farm, to his private residence; he said he had a number of political friends in the city that were at times, and he would like to have them know that such and such stuff was raised at their place at St. Johnland, and he wished me to ship them to him, but not to ship it from the Kings Park depot.

Q. Why not? A. Mr. Thompson there was a brother of my predecessor, and he thought he was not very well disposed towards him.

Q. Is that the Thompson who was the last witness here? A. Yes, sir.

Q. And did he say where you were to ship them from? A. Yes, sir; he told me to ship them from Smithtown.

Q. And did you thereupon ship some things from Smithtown? A. I did.

Q. What did you ship him? A. I shipped him three packages — I don't know as I remember particularly what I put them in — I think I used a box, kegs or a barrel.

Q. What was in them? A. Strawberries, peas, onions, beets, and I think string beans.

Q. Fruits and vegetables? A. Yes, sir.

Q. Did you send him in any of those three packages clams? A. No, sir.

Q. I show you three original receipts from the Long Island express—not copies—they are originals; I want to know whether you recognize them—if you have seen them before, and if so, where and how you got them? (Counsel presents three papers to witness.) A. Yes, sir; those were given to me by the agent at Smithtown.

Q. And did you make copies of them too? A. I did not make copies of them—I had copies of them made.

Q. You had copies made that you sent to Dr. Macumber, did you? A. Yes, sir.

Mr. Hirsh.—I offer those in evidence and will have them marked. (The three papers presented to witness were here marked by the stenographer exhibits 16A, 17A and 18A respectively.)

Q. Can you tell by looking at these receipt when the packages were sent? A. No, sir; I can't make them out entirely—I can make out the days but not the months.

Q. It is marked the sixth month, is it not? A. I think one is marked the 8th, one the 13th and one the 18th.

Q. And all in the sixth month? A. Yes, sir.

Q. All in the month of June? A. Yes, sir.

Q. One is 6-18, one is 6-13 and is 6-8? A. Yes, sir.

Q. All being in the month of June, 1891? A. Yes, sir.

Q. After you had sent these packages—these three—did you send any more? A. No, sir.

Q. How did you come to stop? A. I got a letter from Colonel Gott ordering me to stop.

Q. Just produce that letter?

(The witness produces the letter referred to and hands it to counsel.)

Mr. Hirsh.—I will offer that letter in evidence and I will read it to the stenographer because the letter is the property of the witness :

“ Board of Commissioners of Charities and Corrections of Kings County.

“ Brooklyn, N. Y., June 18, 1891.

“ Mr. Bailey.—Dear Sir : I hope you don't think I am in the vegetable business. I thank you for your kindness, but please don't send me anything more. I have only time to write you this much so excuse brevity.

“ Yours,

“ B. F. GOTT.”

I would like to have that letter marked so that we may know it is offered in evidence.

(The original letter from B. F. Gott produced by the witness was here marked by stenographer exhibit “ P.”)

Q. And it was after this letter that the articles to Colonel Gott's house were sent direct from Kings Park ? A. After that letter ?

Q. Yes, sir ? A. Before that letter.

Q. You didn't send anything ? A. Oh, from Kings Park—

Q. After this letter the things were sent from Kings Park by Mr. Kirby and others ? A. I don't know I am sure what he sent ; I know I didn't send any more.

Q. Mr. Gott was a witness here, Mr. Bailey, and he testified : “ That there was some strawberries and a few vegetables sent to my house contrary to my order and as soon as I received them I notified the farmer ; I knew where they came from and notified him never to repeat that thing again ; ” now is it true that those things were sent to him contrary to his orders or expressly by his orders ? A. Expressly by his orders.

Q. And the only time he notified you not to send him any more was by the letter that you have just shown us ? A. Yes, sir.

Q. And he says, “ it may have happened the second time, but not often ; it could not have happened three or four times ; ” the question

was asked him, "did you ever ask Mr. Bailey not to send any other things from Kings Park but ship them from Smithtown so that it would not be noticed?" He says, "no, sir;" was that so? A. No, sir.

Q. He expressly told you to ship them from there? A. Yes, sir; undoubtedly.

Q. He was asked, "don't you know as a fact that articles that were sent to you were sent from Smithtown?" he says, "I don't know.

Q. Is this the first intimation that you have had of that? A. This is the first in my recollection of it.

Q. You differ with him as to that? A. Most materially.

Q. Did you have any conversation with Doctor Macumber regarding the sending of articles to Mr. Gott? A. Yes, sir.

Q. Just state what the conversation was? A. I was out there putting the vegetables up one morning in the box—the first lot that I sent to him.

Q. That you sent to whom? A. To Colonel Gott; and the superintendent, Doctor Macumber, came up there and asked me what disposition I was going to make of them; he said there was a very few strawberries there and he didn't think there was any more than he needed for the doctors' table; I told him Commissioner Gott had given me orders to ship those to him, and that I intended to bring the matter to his attention before I did ship them; but I asked him if he had any objections, and he said none whatever—to ship him all he wanted.

Q. Did you pay the expressage or freight on these things? A. Yes, sir.

Q. You paid it personally? A. Yes, sir; personally.

Q. Did you ever have it reimbursed to you by Mr. Gott? A. I don't remember it.

Q. Was it charged to the county? A. No, sir.

Q. Were there any persons sent to you to assist you in your farm employment? A. Yes, sir.

Q. Do you know who they were sent by? A. Well, the first one came and told me that he was sent there by Commissioner Nolan.

Q. What was his name? A. Thomas Slavin.

Q. That was Slavin? A. Yes, sir.

Q. What was he—a sporty looking person? A. Yes, sir; he was rather sportily dressed for a farmer.

Q. Did you ask him any questions regarding his fitness for the position? A. I asked him if he had ever worked on a farm before and he said no.

Q. Well, just tell us the conversation? A. I asked him if he thought he could work on a farm and he said no—he hadn't come there to work; he said he could drive a horse, or something of that kind, if necessary.

Q. Did he say who sent him there? A. Yes, sir; he said he came from Commissioner Nolan.

Q. Did he say anything about getting his pay when he said he was not going to work? A. He said he had been appointed as a farmer at \$35 a month, the same as the others, but he didn't expect to stay there very long—no longer than he could get a better job in some other part of the institution.

Q. Did he make use of this expression: "I did not come to work on a farm, but I get my pay just the same?" A. I think he did; yes, sir.

Q. Now, how long did Slavin stay there? A. Well, I couldn't be positive about the length of time; somewhere in the neighborhood of between two and three months I think; something of that kind.

Q. During the time that he was there, was he suspended for any reason? A. No, sir; he was suspended afterwards, after he was over in the other part of the institution, that is, he was driving a freight wagon to the depot.

Q. He was suspended while he was in the institution? A. Yes, sir.

Q. Do you know the cause of his suspension? A. Well, they

claimed—at least the superintendent told me—that he had caught him and one of the waiter girls in the dining room under his cottage with the lights out, dark, and so forth, and the doors locked.

Q. Was Slavin reinstated afterwards? A. Yes, sir.

Q. The charge against the girl was sustained, and Slavin was reinstated? A. Yes, sir; he was reinstated.

Q. Did they send you another person? A. Yes, sir; they sent me an old man by the name of Foran, from Huntington; he was formerly from Brooklyn.

Q. What did he do? A. He drove a milk wagon too; that was after Slavin had been transferred to the other part and there was a vacancy, and they sent him along.

Q. Was he a farmer? A. He had a small place at Huntington and had been there something between two and three years; didn't know much about farming; he could drive a horse indifferently.

Q. Who was he sent there by? A. By Commissioner Nolan.

Q. The position of a farmer there was worth how much a month? A. It was worth \$35.

Q. And the position of a boy to drive the milk wagon, was worth how much? A. About \$10.

Q. And these men took the position of a boy and drove the milk wagon? A. Yes, sir.

Q. And were appointed as farmers? A. Yes, sir; they were appointed as farmers.

Q. Do you recollect the character of the supplies that were sent to the institutions during the time that you were there? A. Well, they always had the name of being very poor.

Q. You recollect that yourself? A. I know that the butter and meat at our table were sometimes pretty tough; at least I could not eat them.

Q. Do you recollect anything about the horse blankets? A. Yes, sir.

Q. What was there about them? A. The last year that I was there the stable blankets that we received were not really worth anything.

Q. You put them on a horse at night and where would they be in the morning? A. Under the horse's feet, I think.

Q. They were in pieces? A. Yes, sir.

Q. What did you do with them? A. I complained to the steward that they were not up to the standard—that is, that I couldn't use them—or they wouldn't make a horse comfortable, because they wouldn't stay on him long enough; he said he would bring it before Colonel Gott—that he had had orders to that effect; and the next time that Colonel Gott was up there the steward told me, that is, he told the steward to tell me, not to say anything more about the blankets, but to use them; if they wore out, to get new ones.

Q. And that is what you did after that? A. I did; yes, sir.

Q. What did you do about using them; did you sew them together with fertilizer cloth? A. Yes, sir; I patched them up as best I could to make them wear, by putting fertilizer bags over them and sewing them up—I could manage to use them in that way.

Q. Was there any drunkenness there at all, or was everybody sober? A. Well, there was quite a good deal of it during the time that I was there.

Q. Did you have a man that was sent to you that was drunk frequently? A. He was there when I went there.

Q. Who was he, Mr. Bailey? A. Thomas Gumm.

Q. What is that name—Dunn? A. Gumm—G-u-m-m.

Q. How long did he stay there after you got there? A. I should judge it was pretty close to a year—nine or ten months.

Q. Was he drunk pretty near all the time? A. Not all the time; when he got his pay, he would be off two or three days and sometimes longer.

Q. And how often did he get his pay? A. Once a month.

Q. Do you know a man named Kirby? A. Yes, sir.

Q. Do you know him well? A. Better than I wanted to.

Q. Do you recollect when Kirby was appointed? A. Yes, sir.

Q. You recollect when Colonel Gott and the rest of the commissioners came up to St. Johnland with Mr. Kerrigan? A. Yes, sir.

Q. Do you know when that was? A. It was in February, 1890; I don't exactly remember the date.

Q. Did they have a conversation with you at that time? A. Yes, sir; I was sent for to go over there to the white house and meet them.

Q. What did Mr. Gott say about Kirby? A. He asked me if I was acquainted with him; I said not personally, but I had heard of him; he is a resident of Northport; he introduced me and told me that he wanted him and I to pull together.

Q. And what did you say to that? A. I told him I was perfectly willing to pull with any good Democrat.

Q. Did he say anything else about Kirby? A. About Mr. Kirby?

Q. Yes, sir. A. He said he had been appointed as special officer there; he was to look after the roads and I don't know what else; I don't think there was anything else.

Q. Did Colonel Gott say that "Kirby has been appointed in our interest?" A. Yes, sir.

Q. Did he use that expression? A. Yes, sir.

Q. Speaking for the commissioners? A. Yes, sir.

Q. Did Kirby have any horses there? A. Yes, sir; he did.

Q. How many? A. Well, he had one for a long time and then after that he had two, I believe.

Q. Do you know where they were fed? A. Well, they were fed at a barn on the institution formerly used by the contractors.

Q. What was used by the contractors? A. It was a barn that belonged to the institution—it belonged to the institution, and was used by Mr. Birkett and Mr. O'Rourke.

Q. And his horses were fed by county feed? A. That is more than I could say.

Q. What did the steward say about it? A. He said they were fed with the county feed.

Q. Who was the steward? A. Mr. Murray.

Q. He is now dead? A. Yes, sir; he is dead.

Q. Well, Kirby was employed there as head of the transportation department? A. That was put under him, I think, the following year.

Q. But from the time that he came there — his family came with him or some time afterwards? A. Some two or three months.

Q. His family consisted of who? A. His wife and three children.

Q. And where did they live? A. In one of the county cottages close up to the white house.

Q. And were fed with county food? A. Yes, sir.

Q. And had county help to wait on them? Yes, sir.

Q. And used county wagons to drive them around? A. Part of the time until he got his own horses.

Q. Did you ever say anything to Colonel Gott about the fertilizer that was used there? A. Yes, sir.

Q. What did you say to him? A. I think the first off, at the end of my first year, that I embodied in my resolutions that the fertilizer was not up to the standard and I would rather have one of the other brands on the—

Q. On the schedule? A. Yes, sir; on the schedule.

Q. Well, there was upon the schedule certain fertilizers that had been bid for and contracted for? A. Yes, sir.

Q. And the fertilizer that had been furnished you was worthless, practically. A. I did not consider it half as good as the others.

Q. And you wanted some of the other fertilizer that had always been contracted for? A. I did.

Q. And you stated that to Colonel Gott? A. Yes, sir.

Q. What did he say? A. He said—I think he said it was either impossible to get it or that I would have to use the other—one or the other, I don't know which it was.

Q. What was Kirby's usual condition so far as sobriety was concerned, Mr. Bailey? A. Well that is rather a hard question to answer; I know he was quite addicted to drinking and certainly passed a good deal of his time in the liquor saloon.

Q. Do you recollect the circumstance of a watchman there reporting Kirby's conduct and condition? A. I do.

Q. Who was the watchman? A. His name was Andrew J. Smith.

Q. Do you know what he reported about Kirby? A. He reported him for being in one of the female nurse's rooms on the female side—the cottages.

Q. Do you know what was done with the watchman? A. He was transferred to the male side.

Q. And nothing was done to Kirby? A. Not that I heard of.

Q. Do you know what was the general effect upon the employes at St. Johnland of Kirby's employment and management there? A. Well, I should say it was very demoralizing.

Q. Do you know whether the employes obeyed the physician in charge, or what was the general atmosphere there on the question of obedience? A. Well, those that seemed to think they had a pull didn't pay much attention to him. They came pretty near doing as they were a mind to.

Q. Was it generally spoken of that a pull was necessary to remain there? A. I think so; yes, sir.

Q. And a pull with the commissioners; not with the doctor in charge? A. That is it.

Q. Do you recollect a scene between Doctor Macumber and one of the attendants? A. I do.

Q. Just state what it was you saw and heard? A. The attendant came back from his pass in Brooklyn and was intoxicated, and the doctor suspended him for intoxication. He told him he would go but he would be back again in two or three days; that he didn't care a damn anyhow for him; that he would be back again; and, hearing the circumstance, I noticed that he was back again in a short time at work.

Q. Do you recollect any other employe who was laid off by the commissioners and who came back in a short time? A. Yes sir.

Q. Who was that? A. He was a painter and his name was Patrick Kiernan.

Q. Do you know who sent him there? A. He said Alderman Coffey sent him there.

Q. You mean Michael Coffey? A. Yes, sir.

Q. Now a senator? A. Yes, sir.

Q. Just state the circumstances of the suspension of Paddy Kiernan, and how he came back? A. As I understood it the money for employing mechanics had run out and they had to lay off a good many of them and amongst them was Mr. Kiernan. He went down with the rest on Saturday and was back again on Monday and at that time he told me the reason that he came back, and who sent him back.

Q. What did he say? A. He said that Alderman Coffey told him to come back; that it was all right; that he would see that it was all right.

Q. Now, what was the next thing that you saw? A. The commissioners came up some time during the week—I don't remember the day—and he said that Colonel Gott asked him what he was doing there and he said he was working. "Well," he said "we discharged you. You have no business here." Well, he told them he would go if they wanted him to, but Mr. Coffey had told him to come back and he had come back—but if they said he should go he would go. They said they thought he had better go back to Brooklyn, but when the commissioners came to the depot that night they said he could stay and remain at work.

Q. And he remained at work? A. He remained at work.

Q. Well, that might show that Mr. Gott recognized some of the Democratic leaders at the time? A. Oh yes, sir; there is no doubt about that.

Q. On the stand here he could with difficulty remember the names of any of them. Do you recollect of going with him, and as

you pass Willoughby street that he would stop in on Willoughby street in any house? A. I did.

Q. Frequently? A. I don't remember but once. I was down to the office here in Elm place and he said he wanted to talk with me about some matters which I don't remember exactly what they were—nothing of any consequence anyhow—and he said he was going my way. I wanted to go up Myrtle avenue as far as Vanderbilt and along that way, and he kept me with him until he walked into a place there on Willoughby street. I have since understood it was a restaurant.

Q. Was it a restaurant or an auction store? A. It was a restaurant, I think.

Q. Do you know what number it was? A. I do not.

Q. Did Commissioner Nolan come down there frequently? A. Yes, sir.

Q. How frequently? A. Well, in the summer time he was there quite frequently, because I think his wife had a sister living there and they used to come there and stay with them quite considerable; but other times of the year he did not come there as often as Colonel Gott did.

Q. Did Commissioner Murphy come there at all? A. Not only on pay day.

Q. He came there with the pay? A. Yes, sir; he came there with the pay.

Q. Did Commissioner Gott's family stay there? A. Yes, sir.

Q. And where did they stay? A. At the white house.

Q. Well, how long at a time? A. Well, I couldn't be positive about the time; anywhere between a week and 10 days.

Q. You know that much? A. Yes, sir.

Q. And during the time they stayed at the white house they were fed at the county's expense? A. I should suppose so; I saw the county wagon go there with the supplies.

Q. And the attendants and waiters waited upon them? A. Yes, sir.

Q. They used the county horses and wagons to drive them about?

A. At one time they had a team of their own there which the county bought afterwards.

Q. I will get at that in a little while; did Colonel Gott send a team of horses down there or did he drive them? A. Yes, sir; I think he came across in the boat from Connecticut with his family.

Q. And that was in the summer time? A. Yes, sir.

Q. That was the time his family stayed there? A. Yes, sir.

Q. And they used the horses while they stayed there? A. Yes, sir.

Q. And when they left they left the horses there? A. Yes, sir.

Q. You don't want to nod your head, Mr. Bailey; the horses remained there for a good many months? A. I don't exactly remember how many months they were there; they were there for some time before I heard the county bought them; in fact the county did not use them for some time.

Q. They were fed? A. I suppose so; I carted hay there to feed them with; the grain I don't know anything about; the steward furnished the grain.

Q. And then afterwards the county bought them? A. So I understood.

Q. You say that they remained there permanently afterwards? A. Yes, sir.

Q. Did Mr. Gott ever say anything to you about who you were to obey or what attention you were to pay to the superintendent? A. Yes, sir.

Q. What did he say to you about that? A. He said he was going to take Mr. Kirby's department and mine out from under the superintendent and make us responsible for them, and he did not want us to pay any attention whatever to the superintendent.

Q. Did he ever interfere with your subordinate in the dairy department? A. Yes, sir.

Q. Just state what occurred there? A. He went over to the dairy and told the man in charge there that he held him responsible

for the production of the milk, the care of the cows and so forth, and that he must take an interest into it and look after it himself, and the dairy man then thought that he had full charge and was not under me at all.

Q. And he refused to obey you afterwards? A. Yes, sir.

Q. What did you do? A. I ordered him to, and reported him to the superintendent. I reported him myself, personally, to Colonel Gott. He was up there during the week, and he went over there and took back his words — that is, told him he must take orders from me at any rate.

Q. Do you recollect whether any Democratic leaders, or leaders of any other kind, political leaders, came to St. Johnland and remained there to visit? A. Yes, sir.

Q. Name some of them if you can? A. I think Congressman Magner at that time — I think he was a congressman — and Under Sheriff McLaughlin.

Q. And Under Sheriff McLaughlin? A. Yes, sir.

Q. Well, who else? A. Ex-Congressman O'Reilly, Thomas Kerrigan — there were others but I never got the names.

Q. There were still others? A. Yes, sir.

Q. Did Senator Coffey, or Alderman Coffey at that time, come up there? A. I don't think he ever did. If he did I did not know it.

Q. What did they do there when they got there? A. Oh, went fishing or gunning or something of that kind.

Q. How long would they stay? A. Not over a day or two at a time.

Q. Who entertained them? A. Mr. Kirby.

Q. Do you recollect any controversy that you had with Mr. Kirby regarding horses and their use? A. Yes, sir.

Q. Just state what took place between you and Kirby? A. Colonel Gott told me that Kirby had charge of the roads, and any time he wanted a team, if I could spare them, to let him have a

team. Only a day or two after he made a requisition on me for my team. I went with the team and man, and he said he would have some men there to help make the roads, and if I would send the team and man over, if he didn't have anything else to do, he would furnish a man to attend the drag. I did so and went with him myself to see him and where he was to work. I got there and Kirby had no man, no help. He said if I would drive the team for a short time he would get a man from the superintendent. He left there and I think he went over to the hotel. I didn't see him there that day.

Q. And you drove around all day? A. Yes, sir.

Q. What happened the next time? A. The next time I sent the team without going myself, and the man stayed there until about 10 o'clock, and Kirby came there and said he couldn't get no men, and if I couldn't furnish a man he had better go home. He waited there two hours and then he came back to me and I set him to work on the farm.

Q. Well, what happened after that? A. One day I had gone to Smithtown to get grain ground. He came and took the men away from the work I had set them at and put them to work on the road, which caused the men to want to know whether he was the boss or I. So I went to Kirby and told him that hereafter if he wanted men or horses that he must apply to me; that he must not take them away from the work. He said he would get along without them. At any rate he never asked me for any more.

Q. From that time on you were not very good friends with Kirby? A. No, sir. He said he would do his best to get me out of the position. That was the first year I was in that position. He was overheard to say in Northport that he would get me out of there in two months.

Q. Do you know whether Commissioner Nolan had any relative working there? A. Yes, sir; a brother-in-law.

Q. A brother-in-law? A. Yes, sir.

Q. And what was his name? A. Thomas Moran, I think.

Q. Do you know where he is now? A. He is in Brooklyn here somewhere.

Q. Do you know whether he is working in the department now?

A. No, sir, he is not working in the department now.

Q. Did Moran ever have a conversation with you regarding your chances of your remaining in the department? A. He told me if I bothered Commissioner Nolan's men that I would be discharged.

Q. And that if you wanted to retain your position you had got to stop complaining about Nolan's men? A. Yes, sir.

Q. What did you answer him? A. I told him when I gave a man orders I expected him to obey, and that I would take the consequences.

Q. What was Moran's position there? A. He was a tinsmith.

Q. What did he do actually? A. Well, I should say nothing.

Q. Well, did he use the county's teams for his pleasure? A. For his family.

Q. Was his family living there too? A. Yes, sir.

Q. Was it usual for an employe in any of the departments to have their families along with them and have them quartered on the county? A. He did not have them quartered on the county. He had a place outside. That is the place where Commissioner Nolan generally stayed when he came up. He didn't stay at the white house where Colonel Gott did. Whenever they wanted a team to drive around there was a team or a wagonette or something sent up.

Q. Do you recollect Kirby using county horses and staying away all night with them? A. Yes, sir.

Q. Do you know when that was? A. It was so often that I really couldn't specify any particular time.

Q. Where did he go? A. Generally to Northport.

Q. And stayed away all night with the horses? A. I have heard him going by my house about 4 or 5 o'clock in the morning.

Q. The teams would not have been much use in the morning?

A. I don't suppose they were. But they were worked, though I don't suppose they ought to have been worked.

Q. Do you remember if any relative of Alderman Coffey's was at work out there? A. A brother.

Q. And he was employed as a fireman? A. Yes, sir.

Q. What did he actually do? A. Well, he generally was there I suppose to attend the fires. He had overalls on and so forth. The patients generally did the work. They didn't do much work.

Q. The patients did the work? A. Yes, sir; the patients did the work.

Q. Did Coffey do anything? A. Yes, sir; I expect he did.

Q. Did he drink? A. Yes, sir; occasionally.

Q. Did he drink considerably? A. Yes, sir; quite considerable. He seemed to have that reputation at any rate. I have seen him intoxicated a number of times.

Q. Did you see any overplus of mechanics in St. Johnland? A. They had a large farm house full. A number of times it was not large enough for them, they had so many there.

Q. What did they do? A. Well, they were supposed to paint the buildings, make the repairs and so forth.

Q. I know that is what they were supposed to do, but what did they actually do? A. That is rather an open question. I can't swear that they worked all the time and wouldn't like to.

Q. Did you ever see a time when there was a little cottage to be painted and there was a number of painters employed at it? A. Yes, sir.

Q. How often did that happen, Mr. Bailey? A. Well, the painters were painting on the cottages most of the time that they were there.

Q. That was a standing job? A. Yes, sir.

Q. And that continued during the time that you were there—always painting some of the cottages? A. That is when they had

a number of mechanics there. They used to have so many there that the supply would run out about the middle of the year and they would have to discharge them. They couldn't pay them.

Q. Do you recollect the names of any of the mechanics there?

A. Oh, I think so.

Q. Do you recollect the names of any of the painters? A. Yes.

Q. Well, name some of them? A. There is Frank McCarty and—well, I can't exactly remember the last names of a good many of them. I know them all by their first names, but it has slipped my memory—the last names.

Q. Do you recollect the name of a man named Tracey out there—Leonard Tracey? A. I have heard him spoken of there.

Q. Did you ever see him there? A. He was there once or twice. He was pointed out to me.

Q. He was pointed out to you? A. Yes, sir.

Q. What was he doing? A. He was on a visit I should judge He was dressed up.

Q. Was there any other mechanics out there? A. They came out there from Flatbush quite often on a visit.

Q. Do you recollect a man named Simpson? A. I think I do. I think I recollect the name.

Q. Did he visit out there too? A. I think he was working there if I am not mistaken for a short time.

Q. Do you know what he was working at? A. I do not.

Q. Do you know whether the painters that were there were there for weeks painting one cottage? A. Yes, sir. I noticed five or six of them that were over a week on one cottage.

Q. Do you know what the rule was with reference to any of McCanna's employes doing any work? A. Well, he would not allow them to do any work for the superintendent unless he authorized it.

Q. That is to say if the superintendent at St. Johnland wanted work done by mechanics he had first to send to Flatbush to McCanna

before they would do any work. A. Either that or his son. His son was there as assistant chief.

Q. Mr. McCanna's son? A. Yes, sir.

Q. How long was he there? A. Oh, he came there about a year after I did. I guess he stayed there a year after I left or more.

Q. Did you know a painter by the name of McGuire? A. Yes, sir.

Q. Did you know that man? A. Yes, sir.

Q. Was he doing any work? A. Yes, sir. I used to think that he done more than the average, that is, he worked quite a good deal.

Q. That is, while the others did work occasionally, he did work more than they did? A. Yes, sir. I considered that he worked fairly steady. I should think he did a couple of days work in a week at any rate.

Q. That is, he made some attempt to earn a salary? A. Yes, sir.

Q. Did you have any conversation with Mr. Gott concerning the management of the farm so far as the health of the patients was concerned, the raising of vegetables and so forth? A. Yes, sir; the second year the gardening was turned over to me. They had a man who was a gardener who was a very old man, and they considered that if he attended the green house he would have enough to do and they took the gardening away from him and gave it to me.

Q. That is you mean the place where you raise garden vegetables? A. Yes, sir.

Q. And not simply flowers? A. Yes, sir.

Q. State what took place? A. I planted very largely with the superintendent's approval of tomatoes, peas, wheat, corn, cabbage and so forth, and Colonel Gott rather objected to the idea. He said he thought the raising of these vegetables didn't pay and that it cost too much and he asked me if I did not think the farm would be better by raising just the staple productions. I told him I didn't. I told him I thought that vegetable farming on Long Island paid the best.

Q. Did you tell him it was the history of Long Island that vegetable farming paid the best? A. Yes, sir.

Q. And what did he say? A. Oh, he said he thought farming didn't pay anyhow; that he thought it would be better to buy the stuff; that it would be better to lay the farm out in a park and buy all the vegetables.

Q. Did you say anything to him or remind him of the fact that some of the patients were suffering from scurvy? A. He asked me the reason why the superintendent wanted the vegetables and I told him the superintendent said that some of the patients were suffering from scurvy.

Q. Well, what did Colonel Gott say to that? A. Well, he merely pooh-poohed the idea. He said he didn't think it would benefit them any.

Q. After you had that conversation with Mr. Gott did he say anything to you that you ought not to have advanced such views in favor of the doctor? A. Yes, sir.

Q. What did he say? A. He said I should not pay any attention at all to the recommendations of the superintendent; that they held me responsible and in fact did not like him and wanted to get rid of him and wanted me to help him to do so.

Q. That had reference to Dr. Macumber who was then the superintendent? A. Yes, sir.

Q. Could you with proper management and proper fertilizers and so forth have had success in raising all that was necessary on that farm? A. Well, I could have raised half as much again if I had been allowed to select my own help and have charge of them—that is with the understanding that they were to work according to my orders or be discharged.

Q. Was the soil good for the raising of vegetables? A. The main part of it; yes, sir.

Q. Could you have raised enough there for the necessities of that place? A. Yes, sir.

Q. Without the purchasing of any? A. Yes, sir.

Q. And would it have been done for a less price than the purchase of vegetables? A. Yes, sir; undoubtedly.

Q. You would have had fresher and better vegetables at a lesser price? A. Yes, sir.

Q. And you stated that to Colonel Gott, did you? A. Yes, sir.

Q. And he differed with you? A. Well, he said that he thought the place would look better laid out in a public park and there would be a very little difference—he thought it could be bought just as cheap.

Q. He thought it better to purchase them? A. Yes, sir.

Q. Did you arrive at any conclusion as to what his objects or reasons were? A. The way I thought about the matter, I thought he thought there was more money in it for him to buy them than there would be to raise them.

Q. Do you recollect the buckboard wagon used by Gott and Kirby? A. Yes, sir.

Q. Do you know where it came from? A. No, sir; not sure. I understood at the time it was bought from Mr. A. E. Hallock, but I would not be certain about it.

Q. Do you know who claimed to own it? A. Mr. Kirby.

Q. Mr. Kirby claimed to own it? A. Yes, sir.

Q. Was it used by the county institutions at all? A. No, sir.

Q. Used only by Mr. Kirby? A. And Colonel Gott.

Q. And his family? A. Yes, sir; and his family.

Q. And Colonel Gott? A. And Colonel Gott.

Q. That was the only buckboard that was there? A. I think that Colonel Gott brought one there with him when he came from Connecticut.

Q. And took it away with him again? A. I am not sure about that. I think I saw it there afterwards.

Q. Did Colonel Gott ever suggest to you that he wanted you to watch Kirby and the doctor? A. Yes, sir.

Q. And then he got Kirby to watch you? A. Yes, sir.

Q. And did he say what he wanted you to watch Kirby and the doctor for? A. Well he said he wanted to keep posted about anything that went on there. Wanted to see that everything was all right.

Q. Did he not say to you that he wanted you to watch the doctor because he wanted to use what you said to get rid of him? A. Yes, sir.

Q. What did you tell him? A. I told him he couldn't use me for that purpose. I was willing to carry on the farm and do everything in my power as a farmer, but he couldn't use me for that purpose at all.

Q. Did Colonel Gott say anything to you before you were asked to resign, that you would have to look after your own head? A. Yes, sir.

Q. What did he say about that? A. He said if I was not willing to do that—that is, was not willing to follow out his wishes in the matter, that as he was the man that was instrumental in getting me appointed, he would feel that he would have to listen to the other commissioners and put some other man in charge that would do so.

Q. And were you asked to resign shortly after that? A. Yes, sir.

Q. And who asked you to resign? A. Well, it was a communication from the board of commissioners.

Q. And upon that communication did you go and see them? A. Yes, sir.

Q. And whom did you see? A. I saw the full board.

Q. Did you have a conversation with the board? A. Yes, sir.

Q. Just state what took place, Mr. Bailey? A. Colonel Gott said—

Q. He was the spokesman for the board, was he? A. Yes, sir. Colonel Gott was the spokesman for the board. He said that they had come to the conclusion that a change in the farm would be beneficial and asked me when they made changes on Long Island.

I told him about the 1st of March. He said they would like to have me hand in my resignation for that time, and I asked him if they had charges against me. He said no, they liked me and thought I was a good man, but still they thought a change would be beneficial. I told him I didn't feel that I wanted to resign unless they made charges or had something against me. Oh, no, he said, it was nothing of that kind at all. They had talked the matter over amongst themselves and had come to that conclusion. I don't think that the other commissioners said anything. I think that Commissioner Nolan may have spoken and said there was no reflection on me whatever. I think he made that remark.

Q. What did you say? A. I told him I should not resign, that if they wanted to get rid of me they would have to discharge me.

Q. And you did not resign? A. No, sir, I did not resign.

Q. When were you discharged? A. Along the last week in February—at a meeting about that date. It was to take effect the 1st of March at any rate.

Q. What did you do after you were discharged? A. I still stayed there and kept the keys of the barns and out buildings and dairies and so forth.

Q. Did you communicate with the State Commissioners? A. Yes, sir.

Q. And after consultation with them did you get some letters from Mr. Reeves, the State Commissioner? A. Yes, sir.

Q. Have you got those letters, Mr. Bailey? A. I have.

(The witness produces two letters and hands them to counsel.)

Mr. Hirsh.—I will read them in evidence :

“State of New York—Office of the State Commission in Lunacy.

“Greenport, February 12, 1892.

“Friend Bailey.—I returned this p. m. and found your favor. Don't think you need worry much yet. Guess they can't get you out except by order of the medical superintendent. Things are yet unsettled but we expect peace and quietness to prevail soon.

Don't resign unless you choose to do so. I doubt whether they will go to the length of removal. Contrary to the spirit if not letter of the present law. That is our order approved by the court. Possibly the upshot of the matter may be quite different from what is threatened or expected. Don't be scared.

“Hastily yours,

“H. A. REEVES.”

“State of New York—Office of the State Commission in Lunacy,
“Greenport, March 5th.

“Friend Bailey.—Your favors of the 2d and 3d to me at Albany reached there after I had left and have arrived here this p. m. Only time to say a word: we think your removal illegal and void, and that the court if called on would say so. Hence, our word is only as advice for we claim no power. Refuse in every way to recognize the order of removal as having any validity. I will add for your information and strictly private that in all probability a new general medical superintendent will soon be in charge who will be boss in fact as well as name, and then I doubt not you will be reinstated.

“Truly yours,

“H. A. REEVES.”

(The letters read by counsel were here marked by the stenographer Exhibits “Q” and “R.”)

Q. After consultation with counsel I understand, and the State Commissioners, you did nothing more about your reinstatement?

A. Well, I obtained counsel and expected to bring the matter to court, but I found that the State Commissioners had to sign my petition to the Supreme Court, which although the Commissioner that had written me the letters was willing to do the other two were not, and consequently I dropped the case.

Q. Do you recollect whether any liquors or beer were sold on the grounds at St. Johnland? A. Yes, sir. I knew in one case at least where they were sold.

Q. Who sold the beer? A. He was a night watchman --his wife sold it. At least one of the attendants told me they had bought it there.

Q. And that was right on the grounds at St. Johnland? A. Yes, sir. He had been there before the county purchased the grounds.

Q. He had been there before the county purchased the grounds? A. Yes, sir; the house had—yes, sir.

Q. Do you know how long that sale of beer continued? A. Well, not such a great while. The doctor, I think, broke it up. He found it out, and I think he suspended the man. I wouldn't be sure about it.

Q. Do you know whether there was any waste of supplies there—meat and other supplies? A. Yes, sir. I think there was quite a good deal. In fact, I judged it was all carted over to me to be fed to the hogs. I noticed there was quite a good deal of meat and bread wasted.

Q. And could you tell that it hadn't been used at all? You could tell that by the looks of it? A. I don't think from the reports that they could use it. It was too tough—something of that kind. It was poor beef. They would try it and it was too tough.

Q. Was Kerrigan, the auctioneer, frequently at St. Johnland? A. I have seen him there a number of times.

Q. Do you know whether he said anything about being responsible for Kerby's appointment? A. He told a friend of mine that he had obtained him this position and that he had obtained him two or three before and that he had lost them through inattention—that he got him this, and if he didn't keep this he should not get him any more.

Q. Did you know Doctor Gray while you were there? A. Yes, sir.

Q. What were his habits, do you know? A. Well, he acted to me like a man that was always under the influence of liquor, but I understood afterwards it was from taking morphine or cocaine or something of that kind.

Q. Was he eccentric? A. Yes, sir; very.

Q. And unreliable? A. Yes, sir.

Q. Do you know to whom he owed his position? A. He told me he owed it to Supervisor-at-Large Kretzmayer.

Q. Was he there when you left? A. I think he was, yes, sir; for a short time only.

Q. Do you know what action was taken against you there after they had discharged you and while your child was sick? A. They tried to dispossess me from the house that I lived in that belonged to the county farm.

Q. Your child was so sick that it couldn't be moved? A. Yes, sir.

Q. Who did that? A. The chief engineer, McCanna, along with Mr. Kirby.

Q. And Kirby? A. And Kirby; yes, sir.

Q. They took legal proceedings against you? A. Yes, sir.

Q. And insisted upon getting you out? A. They went to every justice in our town and tried to get a dispossess warrant and they wouldn't give them any against me. Then they went to the neighboring town and got one from Northport, from a friend of Kirby's. They served the notice on me and held court in Kirby's house next door. I asked for an adjournment—a chance to get counsel in the matter—and they refused it. The judge said it was contrary to the law. I then had to go to the superintendent, or assistant, Doctor Dewing, for a certificate that my child was unfit to be moved and then the court said he would have to recognize that, but the chief in the meantime insisted on having the court—he said this superintendent was a friend of mine, and asked him to allow Doctor Gray to look at the child to get his certificate in the matter. So Doctor Gray went there and he certified to the same thing.

Mr. Hirsh.—That is all, Mr. Bailey.

Mr. Hirsh.—Mr. Holmes, the witness who was directed on Monday to bring the books, check books, and vouchers in his

business connections with Newman & Co., appears, and he produces checks beginning with November, 1893, bank books for about the same time—the bank book beginning in September, 1892, and check books with the stubs in from the same date as the returned checks—November 27, 1893.

William H. Hanna, having been called as a witness and duly sworn by Mr. Schulz, testified as follows :

By Mr. Hirsh :

Q. What is your business Mr. Hanna? A. Hardware.

Q. How long have you been in that business? A. since 1864.

Q. Have you been engaged in business for yourself or for others?

A. With others and for myself.

Q. Where is your place of business for yourself? A. At No. 31 Fulton street, New York city.

Q. And where are you employed for others? A. I thought you asked me with others.

Q. You are not employed for others? A. No, sir.

Q. What is the firm name? A. A. F. Brombacher & Co.

Q. How long has that firm been in existence? A. Since 1885.

Q. So that firm was in existence at the time you were the successful bidder for hardware in the department of charities and corrections in the city of Brooklyn? A. Yes, sir.

Q. How was it that you took the contract in your own name? A. That was to simplify things. If I took it in the name of my partner it necessitated him and I going together to qualify. I took it in my own name to simplify things.

Q. Who told you that it was necessary for your partners and yourself to qualify as you told it? A. We thought it was best to take it in my name.

Q. And it was with that idea in view that you swore to an oath that was false? A. I did not swear to an oath that was false.

Q. Didn't you? A. No, sir.

Q. Didn't you swear to anything when you put in your bid? A. No, sir. The papers will show what I swore to.

Q. Do you recollect the proposal that you swore to? A. Not in full. I remember reading it in part and reading it all. I couldn't call it from memory.

Q. You are not in the habit of signing affidavits or papers without reading them? A. No, sir.

Q. And you read that? A. Yes, sir.

Q. Did you read this "And I do hereby declare that I am the only person interested in this estimate and that no other person than herein named has any interest in this estimate or in the contract proposed to be taken; that it is made without any connection with any other person or persons making an estimate for the same work, and is in all respects fair and without collusion or fraud?" A. Yes, sir, and my understanding of that was—

Q. Just answer my questions, Mr. Hanna. As a matter of fact at that time you were not the sole person interested in this estimate—there was a partner or partners interested you say? A. There was a partner.

Q. A partner? A. Yes, sir.

Q. Then this statement was not correct when signed by you? A. I won't admit that for the very reason that I did not understand that as you read it now. I thought it meant no outside parties. That is the way I interpreted that.

Q. Your firm name did not appear upon this statement at all? A. No, sir; I say I took it in my own name.

Q. Your firm did not appear? A. No, sir.

Q. And nothing appears in this affidavit that any other person was interested? A. No, sir.

Q. You swore that in fact no other person was interested? A. Well, that is what I intended. I understood in drawing up the contracts—

Q. You can read? A. Yes, sir; and I understand what I read.

Q. You understand what you read? A. Yes, sir.

Q. Does my reading of it give you any other understanding of it? A. No, sir; not the interpretation that you put on it.

Q. You never interpreted it that way? A. No, sir; my interpretation of that was that it meant that no outside party, excepting my partner, was interested in that.

Q. Does it say so? A. No, sir; it does not say so.

Q. Did you consult anybody about it? A. No, sir; I did not.

Q. Had you ever been a successful bidder before the year 1890 in the department of charities and corrections? A. I think I had; yes, sir.

Q. When? A. I think it was in 1888, if I remember right.

Q. Do you recollect to what extent you were such successful bidder? A. I think I furnished some hardware and cutlery and that class of goods from my recollection.

Q. Is your firm engaged in wholesale hardware business? A. In the wholesale hardware business. Wholesale and retail both.

Q. And retail too? A. Yes, sir.

Q. Have you got the subpœna with you that was served upon you? A. I think I have; yes, sir.

(The witness produces the subpœna referred to.)

Q. Did you read that? A. No more than I was to call here and bring some papers; yes, sir.

Q. Did you bring them? A. Yes, sir.

Q. The books and papers? A. No, sir; you did not ask for books.

Q. All the orders received from the department of charities and corrections for goods purchased under the emergency clause (counsel reading from subpœna) have you got them? A. Yes, sir.

(The witness produces the papers referred to.)

Q. When you became a bidder in 1888, you became a successful bidder on line goods, was it not? A. No, sir. I think it was on class goods.

Q. Do you recollect what class? A. I think it was cutlery and hardware at that time, if I remember right.

Q. Do you recollect the item of carving knives and forks that you were the successful bidder on in the years 1890, 1891, 1892 and 1893? A. Eighteen hundred and ninety-three?—I don't think I had any contract in 1893.

Q. Well, 1890, 1891 and 1892? A. I think so; yes, sir.

Q. Before you put in your bid in 1890 did you look at the successful bidder of the previous year? A. Did I look at the bidder?—no, sir.

Q. Did you look at his bid? A. No, sir. I have no recollection of looking at it.

Q. And you made your own prices, did you, for your own bids? A. Yes, sir; for my own goods after looking over the samples.

Q. Do you recollect what was the value of carving knives, ivory handled, Northampton Cutlery Co. as per sample, in 1891 and 1892? A. No, sir. I don't remember.

Q. What is their value to-day? A. What—ivory handled knives?

Q. That kind? A. What the value of them is to-day?

Q. Yes, sir. A. Probably \$12 to \$15 a dozen.

Q. Well, has the value of them changed at all within the past year or two? A. Yes, sir; cutlery has advanced some.

Q. It has advanced some? A. Yes, sir.

Q. So that the value of them was still less in 1891 and 1892? A. Yes, sir; probably a little—it may have been.

Q. How much has it advanced since 1891 or 1892? A. Probably 10 per cent.

Q. They were worth about how much then in 1891 and 1892? A. I said about \$12—\$12 to \$15.

Q. That you said they were worth now? A. There may have been that difference; may have been \$11 or \$12 at that time.

Q. How did you come to make a bid of \$18 on them in that year? A. How did I come to make a bid of \$18 on them in that year?

Q. Yes, sir. A. I wanted to get all I could for them; I wanted a fair profit.

Q. You know if they were only worth \$11 and you were bidding with competitors that you could not get \$18 for an article that was only worth \$11? A. That was one of the chances I took.

Q. You wanted to be the lowest bidder, didn't you? A. I put my bid in with that expectation of course; those were my figures.

Q. You wanted to be the lowest bidder? A. Yes, sir; I presume so.

Q. Don't you know so? A. The mere fact that I put in my bid indicated that.

Q. I don't care for your presumption; I want to make it positive; I am asking you whether you did not want to be the lowest bidder? A. I wanted to obtain the contract.

Q. And you wanted to be the lowest bidder? A. Yes, sir; of course I did.

Q. Well, why couldn't you say that at once. A. Yes, sir; I did.

Q. That was your object in bidding? A. Yes, sir, to be the lowest bidder.

Q. Do you mean to say that \$7 increase on the value of an article like knives could possibly have lead you to believe that you would be the lowest bidder? A. I don't know exactly what the cost of those knives was at that time; I am only speaking from memory.

Q. But you are dealing in those articles every day? A. Yes, sir.

Q. You say cutlery is higher to-day than it was in 1891 and 1892—that is what you said, didn't you? A. Yes, sir; it is a little higher.

Q. And you stated what the values of that class of cutlery is to-day; you said it was \$12 to \$15; consequently, you can not be far out of the way when you said it was only worth \$11 in 1891 and 1892? A. It may have been more; that is my idea—that was about the price—\$11 for the knives and \$11 for the forks; somewhere around that price, \$11 or \$12.

Q. Eleven dollars for the knives and \$11 for the forks? A. Yes, sir; somewhere around that price.

Q. What were cheese gougers, assorted sizes, worth? A. They were worth about \$1 a dozen or something like that—\$1 or \$1.50 a dozen.

Q. Well, on a small article a half a dollar a dozen is a good deal; what are they worth to-day? A. About that price.

Q. About what price? A. One dollar and fifty cents a dozen.

Q. What were they worth in 1891 and 1892? A. I don't know—about that same price; not much change in those goods.

Q. How did you come to bid five cents a dozen for them? A. That I don't know; I can't tell you; I can't tell you that.

Q. Oh, well, give us an idea? A. I have no recollection; it may have been a clerical error in putting it in; I couldn't tell you how I came to do it.

Q. You don't mean to say that it was a clerical error, do you, Mr. Hanna? A. I wouldn't say that it was not.

Q. Wasn't that put in with the knowledge that cheese gougers would not be called for? A. No, sir; I had no idea about it.

Q. And you had no knowledge? A. I knew from my business experience that that was a thing that was not much used anyway.

Q. Were you acquainted with any of the commissioners at that time? A. No, sir.

Q. Not one of them? A. Not one of them, no, sir; not to my knowledge; I have no recollection of being.

Q. With either Gott, Nolan or Murphy? A. You are speaking now of what year?

Q. From 1890 to 1894; I am picking out the fiscal year of 1891-1892? A. In 1892 I met Mr. Murphy at the charities department office the day the bids were opened, and I had known him previous to that in business in New York, but I had had no meeting with him and hadn't seen him before the day the bids were opened in the charities department.

Q. That was the first acquaintance with Commissioner Murphy and the only acquaintance with any of the commissioners? A. It was not my first acquaintance with Murphy; I knew him before he was a commissioner, but I hadn't seen him in years before that day.

Q. And that was the only acquaintance that you had with any of the commissioners? A. Yes, sir.

Q. Did you know McLaughlin, the storekeeper? A. I do not; no, sir.

Q. Did you know Mr. Lamb, the clerk of the department? A. No, sir; I did not.

Q. Were you acquainted with any of the officials, high or low, in that department? A. No, sir.

Q. With any one of them? A. No, sir.

Q. Were any of your firm acquainted with them? A. No, sir.

Q. Where do you live, Mr. Hanna? A. In Seventeenth street, South Brooklyn?

Q. And how long have you lived there? A. Well, I have lived there about five years; I have lived in Brooklyn nearly all my life.

Q. Where did you live before that? A. In Third street.

Q. Do you take any interest in political matters. A. Not much—a little.

Q. What are your politics? A. Well, I am what you call now a Shepardite.

Q. When did you become a Shepardite? A. About a year ago.

Q. Was that about the time that you had no more contracts with the county. A. No, sir; I still hold contracts with the county.

Q. Before that you were a regular— A. A regular Democrat; yes, sir, but connected with no organization or anything—merely a citizen and a voter.

Q. You claim that this item of cheese gouters might have been a clerical error—is that what you say? A. It may have been; I don't say that it was.

Q. Suppose it was not a clerical error—can you give any reason why

an article which was on the schedules in other years and bid upon the previous year by your predecessor, the successful bidder— A. I can't tell you anything about my predecessor.

Q. You will have to listen to me, Mr. Hanna; it was bid upon by him at \$3.38 a dozen, and only half a dozen was asked for the year previous, while the year that you bid 5 cents a dozen 10 dozen were asked for, and none were called for, of course—now, do you recollect anything about that? A. No, sir.

Q. That is one of those trifles that did not impress themselves upon your mind, was it? A. Probably.

Q. Do you recollect the item of razors? A. Yes, sir—razors—yes, sir; that is, I know I furnished razors.

Q. You know you furnished razors? A. Yes, sir—I think so.

Q. Do you know what year you furnished razors in? A. I think in two or three years; I think the first year I had the contract, I furnished razors.

Q. The first year was 1891 and 1892? A. No, sir—the first year was 1888, I think.

Q. I am speaking now entirely of between the years 1890 and 1894? A. Yes, sir—all right.

Q. You didn't have the contract for razors in 1890 and 1891, did you? A. That I couldn't say, counsellor—I don't remember.

Q. As a matter of fact you did not have it—you had it for the year 1891 and 1892? A. Probably.

Q. When I speak of those years in that way, I am speaking of the fiscal years as they begin in that department—from the 1st of August, 1891, to the 1st of August, 1892—you understand me? A. Yes, sir.

Q. Did you furnish razors in that year? A. I think I did.

Q. Are you sure about it? A. I am not positive; I think the records of the department will show what I have furnished.

Q. I am speaking now of the records? A. Yes, sir.

Q. The stock book shows that while you were a successful bidder

in 1891 and 1892, as a matter of fact you furnished no razors—that is, no razors of a certain kind; you did furnish some razors there; there were razors, Seller's best; razors, Wade & Butcher's concave; razors, Star Safety; now, of the razors, Seller's best, you furnished none in 1891 and 1892? A. I don't remember.

Q. Do you know any reason for that? A. No, sir.

Q. Well, we will see if we can't get at some reason; we will see if we can't refresh your recollection, Mr. Hanna; do you know what was the value of those razors in that year, Seller's best? A. No, sir; I have no recollection of what they were worth.

Q. Well, what is their value to-day? A. I don't know; I can't tell you.

Q. You deal in them? A. No, sir; I do not.

Q. You did? A. No, sir; never carried any in stock since I have been in business; very few houses do.

Q. That is a class that you went out to buy? A. Yes, sir, if I got orders for them; yes, sir.

Q. When you made up your bid, where did you go to find out the price of this particular class of razors, if you did not deal in them? A. I have men in my employ who I send out to get my prices, different classes of goods; I can't go out and get all the prices, and especially on special goods of that kind; I may have had a price and may not; I don't remember; if I got a price in the schedule of course I made a price and must have got the price at the time.

Q. You must have got it from somebody that you sent out to get it? A. No, sir.

A. Of course you couldn't have simply guessed at it? A. I guess not.

Q. Did you guess at the price of any of those items? A. I think not; no, sir, not to my recollection; some of those I may have guessed at and some I may not.

Q. What is that? A. Some of those I may have guessed at and

some not; a man is hurried sometimes and time is short, and then he uses his best judgment.

Q. Do you think this was one of the items you guessed at? A. What is that?

Q. This Seller's best razor? A. I wouldn't like to say.

Q. You said you sent out by some employe; I would like to know about it? A. I may have had a price and put it in accordingly.

Q. Was there a difference of from \$1 to \$1.75 a dozen on this class of razors from that year forward and from that year backward? A. There may have been; I couldn't tell you.

Q. Why? A. The difference between the Seller razor and the other razors —

Q. I am not speaking of that razor and other razors; I am asking you whether it could be possible that that particular razor was worth, for instance, in 1891, \$4.75, and it could have been worth only \$3 in 1891 and 1892, and be worth \$4.75 again in 1892 and 1893? A. Probably the price remained the same; there was no change in the price.

Q. If that was true, how was it, that while in 1888 and 1889, the bid of the successful bidder was \$4.75 for that razor, and in 1892 and 1893 the bid for that particular razor was again \$4.75, and yet in 1891 and 1892, when you were the successful bidder, you only bid \$3; can you explain that? A. No, sir; I don't know as I can; no, sir.

Q. There was no object in your mind in putting your bid in so low? A. I don't know as there was; I can't say; I don't remember.

Q. The fact that more was called for that year of that particular razor did not enter into the making up of that item? A. It might have.

Q. How did you know that none would be called for? A. How did I know, I didn't know; if I was bidding on goods and had a contract for a year it was natural, I suppose —

Q. But you didn't have the contract for the year; you didn't have

it for the previous year; so that you couldn't tell anything about it?

A. Then I couldn't tell you; I have no recollection of it.

Q. You would not be likely, unless by another clerical error, to put in an item \$1.75 less? A. I couldn't answer that, counsellor, how I came to do it.

Q. Did you make as much as \$1.75 a dozen on that particular county contract? A. On what?

Q. On those safety razors? A. I don't know what it cost.

Q. Did you make it on any razor that you sold a large quantity of to the institution? A. Yes, sir, I do; and sometimes more.

Q. Regular bidding or class bidding? A. In class bidding or regular bidding.

Q. Either one? A. Either one.

Q. It didn't make any difference with you? A. Don't take that into consideration; I make my contract and if I get the contract all right and if I don't, I don't — that don't enter into my reasoning when I make up the price on an article.

Q. Now there is another peculiarity that appears upon your bid; I want to know whether these things enter into it together, and of course if they do they must have entered in your mind altogether; there are three different kinds of razors that appear upon the schedule, the \$3 kind that you bid upon was bid by others in previous and subsequent years, \$4.75; the Wade & Butcher razor which follows next, was bid upon by others the year previous and subsequent at the same price — but you bid \$6; can you give any reason why there was such a large increase on the Wade & Butcher razors and such a large decrease on the Seller's best? A. I can not; no, sir.

Q. Well now, the next item was the Star Safety razor; that is a very good razor, is it not? A. Yes, sir; for one that can not use the ordinary razor; it is good for a man with not a steady hand and does not know how to shave himself.

Q. Well, anybody can shave with a Star Safety, can't they? A. Yes, sir.

Q. That is the reason it is a higher priced razor? A. It is a patentable article and was sold by one man at that time; there are others in it now.

Q. In 1890 the successful bidder bid \$13.50 for the Star Safety; what is it worth to-day? A. We are selling them to-day for about \$15 if I remember correctly.

Q. In 1892 and 1893 the successful bidder bid \$12; in 1891 and 1892 you bid \$18? A. Well, that was my price; they were worth it.

Q. I didn't ask you that; what I want to know is this, in bidding on these three items of razors, and bidding on one kind very low — lower than cost and lower than you could purchase for, and on the other kind very high, much higher than the price you would sell for ordinarily — didn't you have in mind the idea that the lower priced would not be called for, and the higher priced would be? A. No, sir; I had no reason to know whether they would be or not.

Q. How did you come to make up such a bid? A. That is my price; you say the previous bidder bid \$12 — That the man that bid \$12 — the regular price is \$2 a piece and the party that controlled these goods would not sell to you if you retailed at less than \$2, and the patentee of the razor made the price for them; we were controlled by him; I couldn't get under his price.

Q. You say they are \$15 a dozen to-day? A. Yes, sir; and that is a low figure.

Q. Well, that is less than \$2 a piece? A. I am talking about retail.

Q. I am not; I am talking about wholesale; when you figure to furnish things for the department you don't figure at retail, do you? A. No, sir.

Q. So that the retail price has nothing to do with it of course? A. No, sir.

Q. I want to know how you made up this bid on the razor question of one kind below cost and the other kind at a very high price? A. I didn't make them at a very high price; I don't admit I made up the other razors at a loss.

Q. Do you mean to say that at \$3 it was not a loss on the razors sold as Seller's best? A. I wouldn't say it was or was not; I have no recollection what that razor cost at that time.

Q. You don't know what the Wade & Butcher concave was worth at that time? A. I wouldn't say; no sir; it came somewhere near the price that I put it at; I made a profit on it; certainly; I didn't put in those goods to lose anything on them.

Q. That you didn't need to tell, Mr. Hanna; we are thoroughly acquainted with your methods; we are trying to see how good a guesser you were and what was the cause of your being such a good guesser; that is all; the fact was that the razor, Seller's best \$3 were advertised for—you bid \$3 which was \$1.75 less than the successful bidder the year previous and the year subsequent? A. He may have bid and lost on them.

Q. The next one was Wade & Butcher's concave which you bid at \$6.25 which was \$1.25 more than was bid on that article— A. I don't know anything about that at all.

Q. Listen to me, Mr. Hanna: none of the Seller's best were taken at all and 9 dozen of the Wade & Butcher razors were taken; did you know anything at all about that before you put in your bid? A. No sir; not a thing.

Q. You recollect the item of spectacles? A. I recollect the item of spectacles; I furnished spectacles.

Q. You recollect the item do you? A. Yes, sir.

Q. Was there any particular difference or deviation in the value of the kind of spectacles that were used for the department during those four years that I have mentioned? A. That I don't remember now.

Q. Has there been any particular deviation in the value of spectacles in the past few years? A. Not that I am aware of; no, sir,

Q. What is that? A. Not that I am aware of.

Q. In 1889 and 1890 the spectacles advertised for were known as

steel spectacles, good quality, assorted numbers; the successful bidder bid \$1.50 a dozen; in 1890 and 1891 Mr. Cavanagh was the successful bidder and bid 89 cents; in 1891 and 1892, when you became the successful bidder you bid \$2.25—do you know what was the cause of the rise in the price? A. I don't know that there was any rise in the price; they might have been different goods; I couldn't tell you what goods they sent.

Q. Do you notice any difference in this language—in 1889 and 1890, the language was, spectacles, steel, good quality, assorted numbers; in 1890 and 1891, the language was, spectacles, steel, good quality, assorted numbers; in 1891 and 1892, when you became the bidder, the language was, spectacles, steel, good quality, assorted numbers; that would call for the same spectacle, wouldn't it? A. That I couldn't answer you, counsellor.

Q. Do you notice any difference in the call? A. No, sir; I do not.

Q. So, so far as the schedules are concerned no different quality is called for? A. As far as that is concerned; yes, sir.

Q. And the bidders are governed by the schedules? A. Probably, yes, sir.

Q. Weren't you? A. I may have sent a better grade of goods—I don't know what they sent; you can buy spectacles at all prices; you can buy from 50 cents a dozen up to \$3.

Q. The only time that you, as a contractor, would send something that was asked for, if you did it then, was when it was mentioned in the schedule as per sample—that is so? A. Yes, sir.

Q. At other times when no sample was mentioned in the schedule you sent exactly what was asked for? A. Yes, sir; if you will take the trouble to consult your storekeeper, he will tell you that they were furnished.

Q. I haven't any doubt about that? A. You can not make me state that the quality of goods that I sent and compare those with what

other contractors sent previous to my obtaining the contract; they may have sent 50-cent goods and I may have sent \$2 or \$2.50 goods.

Q. You mean to say that when you bid 5 cents a dozen for cheese gougiers and another man \$3.38 that you wanted to make the county a present of \$3.38 on cheese gougiers? A. I don't know that I was a philanthropist in that way.

Q. But you always sent something of actually more value? A. I think I sent goods that they wanted, and I think better goods than they were putting in at the price you named; you can not compare my prices with that that previous bidders gave.

Q. Do you ordinarily deal in spectacles or do you go out and buy them? A. We carry a few in stock, and have for a number of years.

Q. Do you deal in soup ladles? A. Yes, sir.

Q. Has there been any difference or deviation in the price of soup ladles in the past few years? A. I don't think so.

Q. You don't think so? A. No, sir; I don't think so.

Q. The soup ladles that the department advertised for were soup ladles, German silver, do you recollect that; do you deal in those now? A. We don't deal in German silver goods and nobody else I guess.

Q. What is that? A. We don't deal in German silver.

Q. And nobody else? A. No, sir; not in soup ladles.

Q. Where did you find out the price of them in 1891 and 1892? A. From my books in the store — from my list.

Q. A list made up by whom? A. Probably some of my salesmen who have charge of the goods and so forth.

Q. Somebody must deal in them if you are able to get a list of them? A. Probably when they say German silver they mean silver plated.

Q. That is what you took it to mean? A. A plated soup ladle, an ordinary ladle, the same as you would use in your house.

Q. And what you would use in your house? A. Well, I presume that you would use the same.

Q. Now, in 1890 and 1891, the item in the bids, in the schedules, was soup ladles, German silver, 2-12 of a dozen advertised for, and the bid then was \$24 a dozen? A. That was my bid.

Q. No, sir; that was \$24 a dozen, Mr. Cavanagh bid? A. Yes, sir.

Q. In 1891 and 1892 when you became the successful bidder the same item exactly was advertised for and you put it down to \$4 a dozen and none were called for—do you know what the reason of that was? A. I do not—no, sir.

Q. Do you know whether soup ladles had really deteriorated in price during those years? A. No, sir—not to my knowledge they hadn't.

Q. Can you give me any reason how it was that you bid so much less for soup ladles than your predecessor? A. I can't tell you—I never knew what they bid at.

Q. The same item exactly is mentioned? A. I may have thought that an article like a soup ladle they wouldn't use many of and may have taken that as a basis to put my bid on—an institution can't use an awful lot of soup ladles.

Q. You figured on that? A. I don't say that I did—I may have.

Q. That same year your friends the commissioners, or somebody else's friends, added another item to the already very long schedule in the shape of gravy ladles for which you were also the successful bidder at \$4 a dozen—do you recollect anything about that? A. No more than what you have read to me.

Q. Do you deal in gravy ladles? A. Yes, sir.

Q. Do you have them in stock? A. Yes, sir.

Q. What are they worth now? A. Oh, probably \$6 a dozen, something like that, 50 cents a piece.

Q. Were they worth about that in 1892? A. About that, yes, sir.

Q. What profits do you make at \$6 a dozen? A. That I decline to state.

Q. Oh, I want you to state? A. I won't state it, sir.

Q. You decline to state what it was? A. What my profits are on those goods?

Q. What was your profit? A. I decline to state.

Q. I will make you state before I have got through, Mr. Hanna, and you will be very glad to state—what profit did you make on them in 1891 and 1892? A. I couldn't tell you.

Q. You say the price of them was about the same then as now? A. I can not state what the profit was—I may have put them in at cost.

Q. I can't hear you, Mr. Hanna? A. I can't state what the profit was; I may have put them in at cost.

Q. You may have what? A. I may have put them in at cost.

Q. I am asking you what their value was, and you say about \$6? A. Yes, sir; about that.

Q. I asked you in 1891 and 1892, and you said about the same? A. Well, about the same; yes, sir.

Q. I ask you what they cost you at that time? A. I don't remember.

Q. Have you any books showing the cost price of these various articles? A. I may have; yes, sir; possibly I have.

Q. What do you mean by that; have you or not? A. I have got some books in my store showing the cost of that class of goods; yes, sir.

Q. Didn't your firm keep a regular set of books showing invoices? A. Yes, sir; we do business in a systematic manner.

Q. And your books are in existence for the past five or six years? A. I think so.

Q. They have not been destroyed, or anything of the kind? A. I don't think so.

Q. And all the goods that you have purchased since the 1st of January, 1890, the records of that are still in existence? A. I think so.

Q. You also furnished axes, Mr. Hanna; do you recollect that fact? A. I have a recollection of furnishing that class of goods, yes, sir; everything on that schedule that is under my name, I furnished.

Q. Why of course you did? A. Everything that the department called for.

Q. Did you mean that as some news, or what? A. You are asking me about those goods; it is merely to save time, that is all.

Q. I will tell you how you can save time, Mr. Hanna: if you will tell me how it was that you could do the successful guessing that is shown to have been done on the successful bid, or give us the name or names of the persons who were in collusion with you in your successful bidding in the department, and the names of the persons who helped you to profit with that successful guessing? A. There was no man in collusion with me, or no man to help me profit by it in the department.

Q. Then we will have to prove this item by item, Mr. Hanna? A. Yes, sir.

Q. Do you know what the value of axes is to-day—axes with handles, best quality? A. Axes are all prices from \$6 up.

Q. Mr. Hanna, you must give me your attention and then you won't give me that kind of an answer? A. You asked me the price of axes.

Q. Axes, with handles, best quality, Ames? A. There is no such thing in existence as an Ames axe.

Q. Was there in 1891 and 1892? A. No, sir.

Q. How long is it since such axes were in existence? A. They never was made to my knowledge, and I don't think anyone in the trade ever heard of an Ames axe.

Q. You recollect seeing them on the schedule, do you, Mr. Hanna? A. recollect seeing that name on the schedule, I think I do, yes sir.

Q. Tell me—you made a bid on that very item—the bid was changed in 1891 and 1892; what was the value of axes with handles, best quality? A. Well, now, when you say best quality, one man would call his axe a good quality, and another man would call his axe a good quality and every man who would make an axe would call his axe the

best quality of axe; I can give you the prices of axes; they run all the way from \$6 up to \$9 and \$10 a dozen according to the maker.

Q. The best quality is the best quality, is it not? A. Yes, sir; in bidding on that question of axes I went out and saw the sample and bid according to the sample, and I gave them what they wanted and the quality was good; what make it was now I couldn't tell you.

Q. Do you know anything on the question of spades, post-hole, Rowland? A. Yes, sir; those are staple goods.

Q. And consequently they have staple prices? A. Yes, sir.

Q. What was their value in 1891 and 1892? A. I couldn't tell you sir; I am not an encyclopædia.

Q. No; you don't look like one. A. It would be utterly impossible for me to name their prices.

Q. I want to know their value to-day? A. Very well.

Q. Spades, post-hole, Rowland? A. Rowland spades are worth about \$6 to \$10 a dozen something of the kind.

Q. To-day? A. Yes, sir; about that price.

Q. Supposing a person wanted to buy to-day would say \$6 or \$7 A. I wouldn't make a price unless I got my papers and got at my figures.

Q. So that if a person comes to you to purchase you would say: "I can't make a price until I have a chance to figure?" A. Yes, sir; I wouldn't jump haphazard and make a price to him; I would have to consult my papers.

Q. Has there been any particular change in the value of Rowland's spade in the past five years? A. Well, in the last year or two everything was pretty low—there was; yes, sir.

Q. Then in 1892 they were higher than in 1894? A. Yes, sir; probably a little; 1893 and 1894 were pretty dull times and prices were down to a low notch.

Q. So that in 1893 and 1894 they should have been lower than in 1891 and 1892? A. Probably they were lower; I don't say that they were—probably they were.

Q. How was it that your price in 1891 and 1892 was in fact lower than in any other year? A. That I couldn't say.

Q. You can give no reason for it at all? A. I can't answer you that—I don't know.

Q. You bid \$5 for Rowland spades, post-hole, in 1891 and 1892; in 1892 and 1893 you bid \$8? A. Probably I was not getting enough in the previous year.

Q. Probably what? A. Probably I was not charging enough in the previous year.

Q. Do you know whether any were taken when you were not charging enough? A. I think they were; I think in all the years that I had the contract those goods were taken.

Q. How many years did you have the contract for spades? A. I couldn't tell you.

Q. Since 1890? A. I may have had one in 1892; I am not sure as to that.

Q. The only time you had a contract was in the fiscal year of 1891 and 1892? A. That is right then.

Q. Do you recollect the item of shovels? A. I think I furnished shovels—I think all those items under my name there.

Q. But you don't seem to remember their price very well? A. I can't remember that.

Q. But they are things that you deal in almost daily; now shovels, No. 2 Rowland's black; is that a staple article? A. Yes, sir.

Q. Has there been any material change or deviation in the price of that article? A. No, sir; about the same price.

Q. In 1889 and 1890 the successful bidder bid \$6 a dozen for those, and in 1890 and 1891 the successful bidder bid \$6.25 for them; in 1891 and 1892 you bid \$7 for them; do you know what was the cause of that rise? A. I don't; I don't know as there was any; I don't know anything about it; that I couldn't answer.

Q. Well, you say they were about the same price; here is a sudden

rise of a considerable amount over a former year? A. I am not speaking absolutely as to what the price was; I was not bidding on them for nothing; I wanted to make a profit.

Q. That is you were not bidding on all of them as you were on the cheese gougers? A. Oh, the cheese gougers—I didn't take that into consideration; I saw the sample of cheese gougers and saw what they were worth; I guess it was worth all I put in and no more and no less.

Q. And you think about 5 cents a dozen would about cover that sample? A. May be if you saw the article you would think that yourself.

Q. But you stated the article was worth \$1.50 a dozen; that is the only thing I called your attention to Mr. Hanna; now, the question of carpenters' planes was quite an interesting one Mr. Hanna; in 1889 and 1890 the successful bidder bid \$7 a dozen; do you know whether any particular change or deviation in price had occurred on carpenters' planes between 1890 and 1891 and when you became the successful bidder? A. There was a great difference in the class of goods on planes—there is a variety of makers.

Q. The advertisement in both years read the same—planes, carpenters', good quality, assorted. A. What one man may have called a good quality another man might not have considered a good quality; I can not be governed by what previous bidders put in.

Q. You invariably gave the department much better goods than the samples they had on hand of previous bidders? A. I gave them—I didn't give them better goods, but I gave them as good goods as they ever had.

Q. You say when you were in doubt at all that you would go to the department and look at the sample? A. In many cases I did.

Q. Did you in the case of these carpenters' planes? A. That I couldn't say.

Q. This advertisement reads the same in all the years? A. Yes, sir.

Q. It does not state "best quality" but it simply says "good quality assorted?" A. Good quality; yes sir.

Q. And that is all you sent? A. I sent them good goods.

Q. Previous bidders also did that? A. I presume they did.

Q. You don't want to hold yourself up as giving the department better goods than anybody else? A. Oh, no.

Q. You think some of your competitors may have furnished fairly good goods to the county? A. Undoubtedly.

Q. I didn't know but what you had a method of purchasing the best goods in the market and your competitors couldn't get them? A. Oh, no.

Q. That was not so? A. No, sir.

Q. The item of locks for drawers, 2 by 2½ inch and 3 by 3½ inch, do you know what their value was? A. I couldn't say now; no, sir.

Q. Do you know what their value is to-day? A. Well, they are all prices.

Q. Well, this particular kind of a lock is not all prices, is it? A. What is that?

Q. Just exactly as I read it: Locks for drawers, 2 by 2½ inch; locks for drawers 3 by 3½ inch? A. That does not specify; I don't know what kind of lock that was.

Q. How could you tell when you furnished them? A. How could I tell?

Q. Yes, sir. A. I don't know.

Q. How could you tell when you bid on them? A. I may have seen the sample and I may have guessed and taken a chance on it.

Q. Without knowing what you were guessing on or what you would be calling for? A. I took my chances; if they wanted a better one I would have to send it to them; if they wanted a better lock I would have to give it to them; I couldn't tell you now what I bid on that nor what the price was.

Q. Do you also deal in steamboat bells? A. Steamboat bells—I don't carry any in stock of those.

Q. Where did you buy your steamboat bells? A. I can't tell you.

Q. Where did you find out the price for them? A. I probably looked up some catalogue.

Q. Looking up some catalogue? A. Yes, sir.

Q. You mean to say that you go over a list of catalogues that you have in your possession in order to find out the price of steamboat bells? A. I have got them on schedules; all I would have to do would be to look at the index and find it.

Q. How would you find out who dealt in bells by looking at the schedules? A. By looking at the price lists I should have said; we have a pile of lists in the store.

Q. And you think you would find that? A. I would know for pretty near every article.

Q. You don't know what the value of a steamboat bell is? A. No, sir.

Q. And wouldn't know what it was to-day? A. No, sir.

Q. How did you come to bid on it? A. It was in the schedule or I wouldn't have bid on it.

Q. That is right, how did you arrive at the figure? A. I couldn't tell you; I don't know.

Q. You don't know? A. I must have looked it up and got a price or I may have guessed at it; I couldn't tell you now.

Q. Did you look at the price that the previous bidder had bid upon it? A. No, sir.

Q. Did you ever look at the previous bidders' bids? A. No, sir.

Q. A steamboat bell, 100 pounds, best quality of bell metal, you bid \$2.50 on; do you know whether it is possible to have bought anything like that for \$2.50? A. That I couldn't say.

Q. Well you have been in the hardware business for a good many years; what is your judgment as to the value of a steamboat bell, 100 pounds, best quality of bell metal? A. I couldn't tell you how that price was put in; I didn't put in all the prices on those goods.

Q. I want to know what in your opinion as a dealer in hardware the price of a steamboat bell is, 100 pounds, best bell metal; I don't want it to a cent; I want about what the value of it is? A. I can't tell you; I can't tell you what the price is.

Q. You can't tell whether it is worth \$2.50 or \$35? A. It is not worth \$35.

Q. How much is it worth, \$20 or \$25? A. Maybe \$15 or \$20.

Q. You know \$2.50 is not within 1,000 per cent. of its value? A. I can't tell you what it cost; I couldn't say.

Q. You say you didn't put in all the bids? A. I say I had a list and one of my salesmen may have called off the price; I couldn't attend to all of it; I may have called it off and I may not.

Q. You knew what the price of every item was? A. Practically.

Q. Didn't you all? A. Some I say I may have guessed at, and that is one of the things I may have guessed at; may have been hurried and didn't stop to consider it, and put it in; they couldn't use many steamboat bells anyway.

Q. Did the fact that they would not use many steamboat bells, when they only called for one, enter into your successful guessing? A. I don't know as it did.

Q. Do you usually make up your bids late at night when you are in a hurry? A. A great many of my bids were made up late at night.

Q. In the store or at your house? A. In the store.

Q. What do you call late at night? A. I may have stayed until 10 or 11 o'clock fixing up the schedules.

Q. Your partner didn't help you? A. Sometimes he did; yes, sir.

Q. And the clerks and salesmen helped you also? A. I would call off the list and they would make the extensions and add it up to get the total.

Q. So that you could have all the help that you needed? A. At times I could; yes, sir.

Q. Was it not always the case that you could have what help you needed? A. No, sir; not all the time

Q. Why not? A. Business might be such that the men couldn't stay at night.

Q. But if that information was given you by your help you, yourself, knew that it was put in the bid? A. I presume I did.

Q. Well, didn't you? A. Yes, sir; I was supposed to know it; yes, sir.

Q. Because you knew what the entire bid was? A. Yes, sir.

Q. And you were not neglecting any particular point in putting in the bids? A. No, sir.

Q. Your desire was to be a successful bidder? A. Yes, sir; that was my desire.

Q. And you were not leaving to your subordinates or salesmen that which would militate against your becoming a successful bidder? A. No, sir; but it might be hurriedly put in; you might put down for \$2.50 23—you are apt to make such mistakes.

Q. Or 5 cents when you mean \$5? A. Yes, sir; that is liable to occur—those mistakes do occur.

Q. Do you know what a mortice lock is? A. Yes, sir.

Q. Does everybody in your business understand that term? A. I think they do—yes, sir.

Q. There are certain manufacturers of mortice locks? A. Yes, sir.

Q. Tappen & Haggin? A. Yes, sir.

Q. Is that a staple article? A. It was at that time.

Q. Can you tell me whether mortice locks raised in price between 1889 and 1890 and 1891 and 1892? A. I couldn't—no, sir.

Q. You couldn't? A. No, sir.

Q. Why not? A. Because I don't know whether they did or not—I have no recollection on that.

Q. What is their value to-day—Tappen & Haggin mortice lock? A. About \$30 or \$40 a dozen—some thing like that.

Q. They are described like this, "2 keys to each lock, right and left, male and female, \$40 a dozen?" A. Yes, sir.

Q. Has there been any particular increase of a large amount in those locks? A. Increase in valuation?

Q. Increase in price? A. Not that I know of.

Q. When you bid \$40 a dozen, in 1891 and 1892, that was about the right price, you say? A. If my recollection serves me right—I am not positive as to that.

Q. Can you tell how it was that in the year previous, or in 1889 and 1890, the same locks were furnished the department, when the department was bidding in a little different way, for \$10 a dozen? A. No, sir; I could not.

Q. They were not worth less than \$40 in 1891 and 1892? A. To the best of my recollection, somewhere in that neighborhood.

Q. You can not be mistaken as to that? A. I would not go on record as saying positively what they were worth, because I don't know.

Q. Have you got a price list of that particular article? A. That I can't say.

Q. What do you mean by that? A. That I don't know that I have a price list and for that reason, I can't say.

Q. You have price lists in your place of almost every article that is dealt in in the trade? A. Not every article, no, sir; I have not a great many — a great many that I have sent and got; I would not have a store large enough to keep them in if I kept track of all the different kinds of goods that are manufactured.

Q. What is that? A. I wouldn't have a store large enough to keep them in I say.

Q. And where do you send when you want to know the price of a particular article that you do not deal in and haven't got the price list of? A. If they called for a particular line of goods and the maker can be found, we send to the maker and he sends us a price.

Q. If the maker is not so that you can find him what do you do then? A. Don't put a price in generally; if we don't get a price from the maker — may go then and get a substitute.

Q. You don't often guess at the price then? A. Yes, sir; a good many times you have to.

Q. That is the kind of goods you sometimes guessed at? A. Yes, sir; you sometimes guess at the price and get left.

Q. And if there was a good many of these guessing articles in a class that you bid on and you guessed wrong you would get left entirely? A. Yes, sir.

Q. That has not happened with you though? A. Yes, sir; it has.

Q. That you made no profit in your contract with the county? A. I couldn't say whether I did or not until I figured them out; I presume I have made a profit on my county sales, but I say they are items in that contract that they would call for that I would lose money on and have.

Q. Of course cheese gougers at 5 cents a dozen you would lose money on? A. There are other goods besides that.

Q. And a steamboat bell, 100 pounds, best bell metal, \$2.50 you would lose money on? A. Yes, sir; certainly I would.

Mr. Chambers. — This committee will now stand in recess until half past two o'clock.

PROCEEDINGS OF TUESDAY AFTERNOON, AUGUST 6, 1896.

Present — Messrs. Chambers and Keenholts, of the committee.

Mr. Hirsh, of counsel.

Benjamin M. Bailey, having been recalled for further examination, testified as follows :

Examined by Mr. Hirsh :

Q. You recollect the circumstance of Mr. Slathem driving a horse until it died? A. Yes, I remember that he took the team one day and took Mr. Moran's family, and the horse dropped dead on the road; the supposition was that he was overdrove; in fact I was told by parties that see him that he was overdriving him at the time.

Q. It was not for county work? A. No, sir, he was carrying Mr. Nolan's brother-in-law's family around; that is, the commissioner's wife's sister and her children.

Q. Do you know what Kirby's financial condition was when he was first appointed? A. Well, I should say that it was rather poor.

Q. How do you know that? A. Well, a friend of mine by the name of Hawkins, who was endeavoring to obtain a position as painter at Kings Park, told me that by reason of Mr. Kirby using his influence with Colonel Kerrigan, he paid Mr. Kirby's fare back and forth to Northport, to the institution.

Q. But he afterwards was able to own several horses? A. Well, he got a horse very soon afterwards; the time his family got there he had a horse.

Q. Do you know what the conversation was between Kirby and this same Hawkins, afterwards? A. Well, he told Mr. Hawkins that he thought that he could secure him the position of painter at Kings Park through Colonel Kerrigan's influence, and Mr. Hawkins told me that he was pretty certain of getting it, in conversation with me.

Q. What did Hawkins say to you about the position? did he apply for it afterwards? A. He said that he got tired of waiting for Mr. Kirby, and applied himself direct to Colonel Kerrigan, and he told him that he could do nothing for him, as there were too many applicants from Brooklyn, and that he had hard work to obtain Mr. Kirby's position for him, and that he had obtained several others for him before, in Brooklyn, and Mr. Freel and he had lost them, and this was the last time he could get him a position.

William H. Hanna, having been recalled for further examination, testified as follows:

Examined by Mr. Hirsh:

Q. Did you bring with you to-day, in accordance with the language of the subpoena served upon you, all orders that were received by you during the years 1890 to 1894? A. Emergency orders?

Q. Yes. A. All I could find, yes ; every one that I have got on the record.

Q. Do you know whether that is all you have received? A. To the best of my knowledge it is, yes.

Q. There are a large number of emergency bills that we have, Mr. Hanna, for which you have produced no others in the year 1891 and 1890—do you know anything about them at all? A. Not from my recollection at present—no, sir; if you were to read some of them I might possibly remember.

Q. Did you receive a written order for each one of these emergency bills? A. Some I did, and I think there is some of my orders came over by telephone.

Q. Of course those that you got by telephone you would have no written order for? A. No, sir; but I think the batch of orders I brought over this morning comprises most of the orders I received as emergency orders.

Q. I notice that some of the orders that you brought here are marked “special;” are those emergency orders? A. Yes—some of the orders, I think, are marked “special,” and I believe some of the others are by number.

Q. Well, the order marked “special” reads: “Please furnish, under your contract, the following articles, special.” A. Well, if it is under the contract, that is not emergency; will you allow me to look at that?

(Order shown witness.)

Q. The order dated March 28, 1891? A. Well, my recollection of this order is that, while in contract, it called for a certain size, that being an odd size, larger than in the contract, that that was sent in as an emergency order.

Q. That size was not called for— A. Not under the contract, if I remember right.

Q. It was not called for? A. No, sir—not under the contract.

Q. Did you also deal in rattan? A. Rattan? not in carrying it in stock—no, sir; I may have furnished some rattan, but not that I have any recollection of.

Q. Well, anybody can purchase rattan; I want to know whether you were a dealer in rattan? A. No, sir; I was not.

Q. Well, how was it that an emergency order was sent to you for rattan? A. That I couldn't answer; those orders came through the storehouse or from the commissioners; will you read that order, please?

Q. "One hundred and five {pounds of rattan, 20 cents; 10 pounds $1\frac{1}{4}$ rattan chair nails, 15 cents, and 40 papers, 8 dozen, Japanned lining nails, 10 cents." A. Well, the lining nails and the tacks and so forth, those are goods with us; I presume that they sent me the whole order to have it under one head probably; I know of no other reason.

Q. What was rattan worth? A. That I couldn't tell you, sir; I don't know; I couldn't tell you, sir, because I don't know.

Q. Were you a dealer in tees? A. No, sir.

Q. I mean "t-e-e-s?" A. Those come under the hardware and engineers' supplies; tees, yes, sir; for pipes.

Q. Yes? A. Yes.

Q. Were you a dealer in those goods? A. That is, carry them in stock, do you mean?

Q. Were you a dealer in them? A. Not in stock; no, sir; but all those goods I bought.

Q. You were not a regular dealer in them? A. No, sir.

Q. And engineers' supplies was not a part of your contract at all? A. I had one year the order for engineers' goods.

Q. But in 1890? A. Eighteen hundred and ninety, no, sir; I don't thiuk so.

Q. Now here is an order for two tees, 5-inch; you charged \$4 a piece for tees? A. That I don't remember what I charged.

Q. Well, do you know what kind of tees these were? A. They were

tees for connecting pipe—for joining pipe together; what sort or what they were now I don't know; no, sir, I couldn't tell you.

Q. Well, do you know of any kind of ordinary tees, 5-inch, that are worth \$4 apiece? A. I couldn't tell you now, sir, without looking; I don't remember; I say I don't know.

Q. I am asking you now whether you know of any tees— A. I don't know; not that I know of; I don't know; no, sir, I don't know; may be worth that, or more; I don't know.

Q. Or less? A. More or less, maybe, yes.

Q. Did you ever furnish them with rollers for printing presses? A. I am under the impression I did, yes, sir.

Q. Were you a dealer in them? A. No; no, sir.

Q. Do you know how it came that they sent you these orders for rollers for printing presses? A. I don't know; no, sir; I know the orders came—whatever orders I got in the way of emergency, I filled them to the best of my ability.

Q. Did you ever see the printing press they had there? A. That I couldn't say, no, sir; no recollection.

Q. Do you know what size rollers for printing presses were furnished? A. Isn't it on the order?

Q. The sizes are not mentioned? A. Well, in the emergency orders I sent you to-day, isn't it in one of those?

Q. There is no such emergency order. A. No such emergency order—and I couldn't tell you, no, sir; I don't know what the size is.

Q. Here is an order of January 21, 1891, emergency order No. 33, for which you produce no order, "Two rollers for printing presses, \$5 each;" do you know anything about it? A. I presume I furnished them, but I have no recollection at the present time as to prices or what they were; it has escaped my memory.

Q. And in the following month you furnished four rollers for printing presses? A. Probably; no recollection.

Q. Where did you buy them? A. Bought them in New York from

some dealer that deals in that class of goods, printers' supplies and so forth; where it was I don't remember now; don't know.

Q. Do you know what you paid for them? A. I don't know, sir.

Q. Would they appear upon your books? A. They may.

Q. Well, what do you mean that they may? A. Why I presume my books would show what I paid for all classes of goods, probably.

Q. You were not a dealer in brass castings, were you? A. We sell brass castings; not to carry it in stock, but we take orders for those goods, and have them now and then from different parties.

Q. Don't deal in them? A. We deal in anything we get orders for; lots of goods that we sell, and lots of other houses that sell goods, don't carry them in stock.

Q. Well, this was for the engineer's department? A. Yes.

Q. Were you the successful bidder for the engineer's department in November, 1892? A. I won't be positive; I am under the impression that I was; I wasn't maybe in '92; '91, I think, I had the engineers'—

Q. Yes; well now, here is an order for $5\frac{1}{2}$ dozen brass castings in November, 1892; do you know whether you saw the sample on those castings? A. I presume I must have had the sample to have had the castings made.

Q. Do you recollect anything about that at all? A. It isn't fresh in my memory now—no, sir.

Q. You charged \$9 a piece for these castings? A. That I don't know—I couldn't tell now what I charged.

Q. The bill is \$9 a dozen, $5\frac{1}{2}$ dozen; you charged \$49.50. A. Nine dollars a dozen?

Q. Yes. A. I presume I did; that is right I suppose.

Q. You don't know anything at all about that? A. No recollection at present—no, sir.

Q. Do you know where you had them made? A. I don't; I couldn't tell you—no, sir.

Q. Were couplings in your line? A. Couplings, the same as tees, yes.

Q. Same as tees—but you said tees were not in your line? A. I say not in my line, but I bought those things, same as engineer's supplies, but I don't carry it in stock, no, sir.

Q. I know; you would have bought coffee if they had ordered it? A. They didn't give me such orders; they gave me something pretty near to my business, and what I could supply under contract.

Q. If they had ordered coffee under an emergency order, from you, you would have sought to get that? A. I wouldn't have hesitated a moment.

Q. Do you recollect an emergency order for 5-inch couplings? A. I have no recollection of it; no, sir.

Q. Do you know what the value of 5-inch couplings is? A. I couldn't say off hand what it is worth; no, sir.

Q. In March, 1891, you again furnished two printing press rollers, \$5 each? A. I presume so.

Q. Do you know how big a printing press that was? A. No, sir.

Q. Or how many rollers there were for it? A. No, sir; I couldn't tell you.

Q. Do you know how long a printing press roller usually lasts? A. No, sir; I have had no experience in that line; I couldn't tell you whether it lasts a month, or six months, or a year; I don't know.

Q. Are you a dealer in railroad spoke hook-heads? A. "Spike," wasn't it?

Q. "Spike hook-heads?" A. We sell those, yes.

Q. What is their value? A. I couldn't tell you now.

Q. Four-inch by 3-8-inch; what is their value to-day? A. Six or 8 cents a pound, something like that; 8 or 10, I don't know; I couldn't tell you off hand.

Q. Do you recollect what their value was in 1891? A. No, sir.

Q. You charged 12 cents a pound for them then? A. I presume that is right.

Q. You don't recollect what their value was? A. No, sir.

Q. Were you a dealer in water cups for copy presses? A. In none of those supplies do we deal in, but we had orders for them and filled them.

Q. Were you a dealer in shoe nails? A. Shoe nails; yes, sir.

Q. And a dealer in wheelbarrow wheels? A. Yes, sir; and wheelbarrows.

Q. What were they worth a dozen in 1891? A. Well, I don't recollect; does it say what kind of wheelbarrows, anything about them?

Q. No, simply says wheelbarrow wheels? A. Well, they run all the way in price from, I should say from \$6 a dozen to \$12 or \$13 a dozen, according to the style of the wheel.

Q. Six dollars to \$13 a dozen? A. Yes, a dozen—to the best of my recollection that is the price.

Q. You charged for three dozen \$15 a dozen? A. I presume I did if those are the figures.

Q. If they were worth only from \$6 to \$13 a dozen, how did you come to charge \$15? A. I don't know what kind I sent them now; I don't know what kind they bought—I couldn't tell you that.

Q. You said they were not worth more than \$6 to \$13? A. If I paid \$13 and sent them out to the county, it wasn't likely I would charge them less than \$15; I wasn't doing this business for the fun of it.

Q. Did you ever see that Hamilton Smith ironer, No. 5, that they had in their place? A. I have no recollection of it.

Q. Do you deal in rollers for that? A. No, sir.

Q. You had to go and purchase those? A. Had to go and purchase those, yes.

Q. Do you know what they are worth—those rollers? A. I couldn't tell you off hand; no, sir; they are an expensive article, though.

Q. You charged in November, 1891, \$50 apiece for them? A. I guess that was right—I guess it is worth all of that.

Q. In march of the same year you furnished three of them—in November one, getting \$50 apiece for them; do you know what their value was? A. I don't—no, sir.

Q. Do you know what you paid for them? A. Do not—no, sir.

Q. Do you know what a Dolph wringer is? A. It is a washing-machine; I believe a large washing machine.

Q. Do you know what the molds are for a wringer of that kind? A. I don't remember what they are now; no, sir—large casting—I couldn't tell you, now.

Q. You had to purchase those? A. I had; yes, sir.

Q. From people who manufactured wringers? A. Manufactured them—yes.

Q. Do you know what their value was? A. No, sir.

Q. You charged \$15 apiece for them? A. I presume that is correct.

Q. Do you think those were fair market values that you charged? A. I believe so, at the time—yes.

Q. Were you dealers in baling wire? A. Purchase baling wire—don't carry it in stock.

Q. Do you know whether there was any appreciable increase in baling wire between September, 1890, and February, 1891. A. Not that I have any recollection of.

Q. Do you know whether there was any reason for an appreciable increase in that? A. Not that I am aware of; no, sir.

Q. In September, 1890, you furnished four bales of baling wire at 15 cents a pound. In November you furnished 168 pounds of baling wire at 20 cents a pound, and in February, 1891, you furnished 250 pounds of baling wire at 25 cents a pound; do you know how that came about? A. Do not; no, sir; couldn't tell you now; don't know.

Q. You don't know anything about it? A. No.

Q. You don't think there was an appreciable increase in the value of it? A. Not that I know of—I have no knowledge what it was.

Q. And yet you increased from 15 to 25 cents a pound—you have no reason for that? A. I couldn't tell you why it was done now; no, sir.

Q. It wasn't because that was under contract and you wanted to

make all you could out of it? A. I don't know; I wanted to make, of course, all I could.

Q. What is that? A. I say I don't know; I presume I wanted to make as much as I could in reason out of it; I wasn't doing the business for fun, delivering these goods out and waiting for my money.

Q. What is that? A. Delivering those goods out to the county, and waiting a month and so on, and had to wait for my money and so on; probably I charged them a good price.

Q. You had to wait as long for 15-cent a pound baling wire as you had for 25-cent, didn't you? A. I don't know; I couldn't tell about that; I don't know whether I did or not now; but I got a good price for it, I presume.

Q. When these emergency orders came to you you were not particular in putting the lowest market price upon these goods, were you? A. I charged them what I thought was a fair, reasonable profit on the labor and time waiting for the money.

Q. If labor during those months was the same price — A. I presume it was; yes, sir—

Q. Did you consider that was charging a fair, reasonable profit when you one day charged 15 and in three months after charged 25? A. Maybe I didn't get enough at 15 cents; I can't tell you now.

Q. That is the best answer you will give? A. Yes.

Q. Is it? A. That is the best I can give from my recollection at present, yes.

Q. Did you deal in lamp burners? A. No, I didn't carry them in stock; no, sir.

Q. Do you know what their value was? A. No, sir.

Q. You charged \$3 a dozen for large lamp burners—do you know what their value was in 1891? A. I don't; no sir.

Q. Were you a dealer in glass lamps and brackets? A. No, sir.

Q. Do you know what their value was in October, 1892? A. I do not; no, sir.

Q. You charged \$20 a dozen for glass lamps and brackets—do you know whether that was a fair value? A. I presume it was; I think it was; yes, sir; I can't tell now off hand speaking; I don't know what they are worth.

Q. Do you consider that 25 cents a pound for baling wire in February was a fair value, when you charged but 15 cents in November previous? A. As I said before, when I charged the 15 cents probably I wasn't getting a fair profit on it; that is the best answer I can give you.

Q. And you considered an increase of 10 cents a pound on baling wire would give you a fair profit? A. I believe so; yes, sir.

Q. That is what you consider, do you? A. Yes, sir.

Q. Do you ever make that sort of profit in your ordinary business? A. Some goods we do, yes.

Q. On such goods as wire, baling wire? A. Baling wire, don't handle much baling wire; don't know an awful lot about it.

Q. Did you deal in hames with buckles? A. I bought them for the department.

Q. Oh, I know— A. I didn't deal in those things.

Q. You were not dealing in harness or harnessmakers' supplies? A. No, sir.

Q. Do you know how it was that an order for hames with buckles and a saddle for a Henry harness came to you in 1891? A. I don't know, sir; came to me by mail and I filled it.

Q. Do you know what a pair of hames with buckles are worth? A. No, sir.

Q. Haven't any idea? A. No, sir.

Q. You charged \$4 a pair for hames with buckles; \$16 for four pair? A. I presume that is right.

Q. Don't know what their value was? A. No, sir; may have been heavy, large size hames.

Q. Do you know what the value of a saddle for a Henry harness is? A. No.

Q. Don't know to-day, and didn't know then? A. No, sir; I purchased it and put a fair profit on it for my trouble.

Q. What do you usually consider a fair profit, Mr. Hanna? A. Well, I don't care to answer that question.

Q. Well, you have used the expression, "a fair profit;" do you consider a fair profit 50 per cent., 60 per cent. or 75 per cent. A. Depends altogether on the article, and depends altogether on who I am selling the article to and how long I have to wait for my money; some people I sell goods at a certain profit; other people I get more from, according to how long I have to wait for my money.

Q. Will you look at the order marked August 21, 1891; just state what that order was for, will you?

(Order shown witness.)

A. "Five dozen lamp burners as per sample."

Q. Yes; can you tell how it was that as a matter of fact you furnished ten dozen; or did you furnish ten dozen? A. That I couldn't say now, sir; whatever my bill calls for, that is what I furnished.

Q. Well, were you likely to furnish more than the order called for? A. Sometimes.

Q. Why? A. Why sometimes they would order a class of goods, and wouldn't break an original package; send them in the original package.

Q. Do you mean to say that lamp burners come in original packages of ten dozen? A. That I couldn't say; that I don't know.

Q. Was it possible that you put on your bill for some particular purpose 10 dozen, when in fact you only furnished 5 dozen? A. No, sir.

Q. That couldn't be? A. That couldn't be; no, sir.

Q. No arrangement between you and anybody else to do that sort of a thing? A. No, sir; none whatever, none whatever.

Q. Were you a dealer in scissors? A. Scissors—yes.

Q. Had them on stock? A. On stock, yes.

Q. Have them now? A. Yes.

Q. Well, what do you get for a dozen extra quality trimming scissors? A. I couldn't tell you now, sir; \$9, \$10, \$11, according to the size and finish, and so forth.

Q. What is that? A. According to the quality, according to the size, and according to the finish.

Q. Have you a regular trade list of these articles over there? A. I presume I have.

Q. Then that trade list would give the prices? A. Probably, yes, sir; some of those things, sometimes, that I have had in scissors, where they are for the county, has been special goods that was gotten up for them.

Q. Yes; now will you look at the order No. 80, of August 27, 1891, and state what kind of scissors those were that you furnished?

(Order shown witness.)

A. I couldn't tell what those were now, sir.

Q. Well, if you got that order to-day, what kind of scissors would you furnish? A. I presume first-class goods, nickle-plated, probably worth about \$10 a dozen, to the best of my recollection.

Q. That is, the 7-inch would be worth \$10 a dozen? A. About \$10 a dozen, yes.

Q. And the tailors' scissors, 12-inch, would be worth about how much? A. That depends altogether on what class of goods they were; they run—

Q. Usually, what did you furnish on this order? A. I can't tell you now what I sent on that order, four years ago, three years ago; tailors' shears, 12-inch—well, they run all the way from \$1.50 a piece to \$3 a piece

Q. Well, did you sell the \$1.50 apiece or the \$3 apiece? A. I couldn't tell you, sir; don't remember.

Q. Your books will show what you sent? A. Probably; yes.

Q. Do you say "probably?" A. When I say "probably" I mean

that my books would show what I sent; I sent them all first class goods, I know that, and expensive goods on that class of goods; they didn't order any cheap shears.

Q. Well, if those trimming scissors were worth \$10 trade price you charged \$14; how was that? A. I got a good profit out of them.

Q. And if these tailors' scissors were worth \$1.50 a piece; that is, \$18 a dozen— A. I don't say they were worth \$1.50; may have been worth more than that; weren't worth less than that.

Q. You charged \$33 a dozen? A. Yes, I presume that is what I did charge, and that is what they were worth probably.

Q. Made a good profit on them, too, didn't you? A. I think I made a profit on them, sir.

Q. Were you a dealer in scales? A. Yes, sir.

Q. Had them on stock? A. I think so—yes; we carry scales in stock; whether I had that particular scale in stock I couldn't say.

Q. This is called "one household scale, kitchen scale;" do you keep those? A. Yes.

Q. What are they worth? A. Three dollars and fifty cents; that is, apiece.

Q. When you mention these prices in answer to what I ask you what they are worth, and you answer me, you mean that is what you ordinarily get for them; is that right? A. About that; yes, to the best of my recollection; yes, sir.

Q. That is what you sell goods for in those lines? A. Yes, but I couldn't confine myself to a price without knowing just exactly what the article was, and the class of goods that were sent, quality and so forth; there are some scales you know different prices.

Q. Your books would show the quality of the article? A. I think it would, sir, but it may not; may be it says "scale;" I can't tell.

Q. Well, you say a household scale is worth \$3 or \$4; you charged \$5 here? A. Yes; I might have given them something out of the general run that I kept in stock; I couldn't say now; I sent them I presume a good scale; where they wanted a good scale I sent them it.

Q. You never would send them an inferior article? A. Well, they wouldn't receive an inferior article; no use of me sending it.

Q. How do you know they wouldn't receive it; did you ever try it? A. Well, I don't—I suppose everything—I don't know why they wouldn't; I never had much goods sent back; always tried to send them a good article; I wasn't dealing in low priced goods.

Q. Did you deal in door bells? A. Door bells? I think I did; I deal in door bells; I carry them in stock; yes, sir.

Q. What are they worth? A. Well, depends altogether on the size and quality of bell.

Q. Well, if you get an order like this: "April 14, 1891," it reads: "One door bell, penitentiary, hospital;" what kind of door bell did you send them? A. I don't remember, sir, what kind I furnished now; couldn't tell you.

Q. What were they worth? A. I couldn't tell you that.

Q. What are they worth to-day? A. All prices; door bells run 50 cents up to \$4 or \$5 apiece, according to the quality and style of bell.

Q. Did you deal in grease, Albany grease? A. Purchased it; didn't keep it in stock; no, sir.

Q. Don't know what its value is, do you? A. No, sir, not to-day; I couldn't tell you.

Q. Did you deal in spring steel? bars of spring steel? A. Take orders for that class of goods; don't carry it in stock; no, sir.

Q. Don't deal it? A. When you ask me whether I deal, I deal in any article, that is in the iron or steel line, all classes and kinds, and anything a man gives me, an order in that line, we consider we deal in it, while we don't carry it all in stock.

Q. Do you know what bars of best spring steel are worth a pound? A. I couldn't tell you; I don't know.

Q. You charged 18 cents a pound for it? A. I guess it was worth all that, sir.

Q. You think it was? A. Yes, sir.

Q. But you have no idea of its value? A. I don't recall exactly what it is worth; no, sir; if you confine me to give you an absolute answer, I can not.

Q. I ask you what it was worth; you said you couldn't tell? A. No, sir.

Q. And when I told you you charged 18 cents a pound, you said it was worth that; why couldn't you tell me that when I asked you?

A. I presume that was a fair price.

Q. You presume it was a fair price because you charged it. A. I presume it was worth that.

Q. You presume it was worth that? A. Yes, sir.

Q. Because you charged it, isn't that so? A. Oh, no, sir.

Q. Why do you presume it was worth that? A. Because I think I charged a fair profit on it, that was all; on all my goods.

Q. Consequently you simply guide your answer by the fact that you charged that price; isn't that so? A. Yes, because I don't think I have been charging anything out the way—

Q. Well, you will answer me Mr. Hanna; you guide your answer—
A. By my price, yes.

Q. By the price? A. That is the only way I can guide without having the absolute price to go by.

Q. Did you deal in brick lining for ranges? A. No; we furnished those goods, sir.

Q. Didn't deal in them? A. Don't deal in them; no, sir.

Q. Don't deal in ranges, do you? A. Only take orders for them.

Q. Deal in bricks? A. Take orders for them.

Q. Don't deal in them; haven't got them in stock? A. Don't carry them in stock; no, sir; want half a dozen stores to carry all those different things.

Q. Have you any idea of the value of brick linings for ranges? A. No, sir, I have not.

Q. Do you know what you charged for them? A. I have no recollection now; no, sir.

Q. Do you know what the value was in October, 1891? A. I don't know, sir.

Q. Do you know what the value of grates was in 1891? A. I do not.

Q. Did you deal in grates for broilers? A. No; I presume I purchased those if I had an order for them; none of that class of goods do we carry in stock; we take orders for them.

Q. You charged \$7.50 a set for brick linings for range, and \$6 a set for grates for range; do you know whether that was a fair value? A. I think it was; I couldn't say, counsellor; all those prices I considered a fair price at the time.

Q. Do you know to what this part of the order refers where it says "Two sets covers?" (Order shown witness.) A. I presume that those were some large range they had in the institution, 11 or 12 foot range.

Q. Do you know what they are worth? A. I do not; no, sir.

Q. You charged \$15 a set; what are the covers made of? A. Made of iron.

Q. Do you know what a whole range was worth? A. I think the range themselves were worth somewheres around \$150.

Q. And for the covers alone you charged \$15 a set? A. Yes, I presume that is right; you have got the figures for it.

Q. Do you know what you paid for them? A. I do not; no, sir.

Q. Do you know what the market value of them was? A. I do not no, sir.

Q. But you say for everything that appears upon these bills and emergency orders you charged only a fair profit? A. I think so; yes.

Q. Did you deal in dog chains? A. Yes, sir.

Q. What were dog chains worth a foot, extra heavy? A. Extra heavy; they are sold so much apiece; they are not sold by the foot; according to the size; 25 cents, 50 cents, 75 cents, all prices.

Q. Apiece? A. Yes.

Q. What would you charge for a dog chain 25 feet long? A. Well,

that order for a dog chain; I presume the order made out called for the dog chain, but that was a special chain that had to be fastened with hooks and swivelled and so forth; it was not merely a chain, it was a special chain gotten up for some purpose.

Q. Yes, with swivel and hook, extra heavy? A. With rings and so forth, I think.

Q. Do you know what that was worth? A. I do not; no, sir.

Q. What would you make such a chain for to-day? A. I couldn't tell you; it depends altogether on what labor was on it and what style of chain—

Q. I can't hear you? A. Depends altogether what size of chain.

Q. I give you the size—25 feet long and extra heavy. A. I don't know whether it was a special chain now or what it was; couldn't tell you now.

Q. You recollected very well a moment ago that it was an extra chain with a swivel and hook on it. A. The mere fact of being 25 feet long would tell me that—that it was no ordinary chain, because they don't come such lengths; I know enough about my business, when you ask me a question like that, to know that these were special things that had to be made, cut to order and so forth, and fixed up.

Q. What would you make and cut to order and fix up a chain like that to-day for? A. I don't know.

Q. What is the ordinary length of a dog chain? A. Four and a half feet and six feet.

Q. And they are worth, you say, from 25 to 50 cents apiece? A. Seventy-five cents apiece; while this may have been called a dog chain, which it is on there—

Q. If it were five times as long— A. And five times as heavy and so forth, it would be five times the price.

Q. You charged \$10 for this dog chain? A. I presume I did.

Q. Is that a reasonable price? A. I think so.

Q. Do you know what it cost? A. No, sir.

Q. No idea what it could be duplicated for ? A. No, sir.

Q. Haven't any ? A. No, sir.

Q. And you are still in business furnishing dog chains ? A. Yes—well, yes, when they are required.

Q. Did you furnish brass valves for water closets ? A. I presume I did, sir.

Q. Do you deal in them ? A. No, sir.

Q. That comes under the class of engineer's supplies ? A. Yes ; I had an emergency order, I presume, for them and furnished them.

Q. Do you know what the value of brass valves for water closets is and couplings ? A. I do not ; no, sir ; I couldn't tell you.

Q. You charged \$6 apiece for 12 brass valves, making \$72 ? A. I presume that is right, correct ; you have got it there.

Q. Do you know whether they were worth over 50 cents apiece ? A. I couldn't tell you, sir.

Q. Do you know what diaphragms were worth ? A. No, sir.

Q. For Jenkins' globe valves ? A. I have no recollection now, sir.

Q. Those you had to purchase ? A. Had to purchase, yes, sir.

Q. Well, you charged all the way from 60 cents apiece to \$1 35 apiece ; have you any idea what they are worth ? A. No, sir.

Q. Is there any way that you can form an idea what they were worth ? A. Not here I can't ; I might by looking it up and ascertain what the goods were I sent.

Q. Your books would show what you paid for them ? A. Probably they would.

Q. What is that ? A. I say I think they would.

Q. Did you deal in plow shares ? A. Purchased them.

Q. Did you deal in them ? A. Not in stock ; don't carry them in stock, no, sir.

Q. Do you know what they were worth ? A. I can't remember, no, sir ; I don't know ; I couldn't tell you now what they are worth.

Q. Can't you form any idea what they were worth? A. I can't tell you what they are worth, no, sir; I don't know; 50 or 60 cents or 75 cents a piece, I suppose, somewheres around there, \$1 apiece; I can't tell you.

Q. Well, if they were worth 50 or 60 or 75 cents apiece, that wouldn't be \$12 a dozen, would it? A. No; \$1 apiece that would be.

Q. That is what you charged? A. One dollar apiece; well, made a profit on them, of course.

Q. Well, you make a profit on your goods whatever you sell them for, don't you? A. Sir.?

Q. You usually sell your goods at a profit? A. Not always, no; well, we are in business to make a profit, but we don't always make it.

Q. You wanted to make a bigger profit out of the county than you usually made, didn't you? A. Not necessarily, no, sir.

Q. Well, didn't you? A. I don't think I did, no, sir.

Q. Did you deal in butcher's steels? A. Yes, butcher's steels.

Q. Steels, yes? A. Yes.

Q. That is an ordinary staple article, isn't it? A. Yes.

Q. What are they worth, 24-inch? A. Oh, I suppose worth \$2 or \$3 apiece for fine steel, butcher's steel, 24-inch; that is an extra size to the best of my recollection now.

Q. Three dollars apiece? A. Yes.

Q. That is what you get for them to-day? A. I think I would get something like that; yes.

Q. It isn't possible that you would sell them for \$1.50? A. I might; I couldn't tell; that is the best of my recollection; they are worth something in that neighborhood, \$3 apiece; somewhere there, \$2 or \$3; I am not speaking by the letter now, but to the best of my recollection; that is an extra large steel, very few of them used anyway, and very few people, I guess, carry that size in stock.

Q. Do you know what a Buckeye mowing machine knife is? A. Well, it is a knife for the Buckeye mowing machine, large knife.

Q. Did you deal in them? A. No, not in the Buckeye mower, no, sir; those are large mowing machines.

Q. You bought them? A. We bought them, yes.

Q. Do you know what a set of them are worth? A. I have no idea just at present, no sir; I know they cost a great deal of money though; the machines are worth a good deal of money; it is a large machine, the mowing machine is.

Q. Did you deal in long-handled extra heavy forks? A. Yes, sir.

Q. What did you get for them? A. Extra hay forks those are; does it say manure forks or hay forks?

Q. Hay forks. A. Hay forks; oh, they are worth \$9, \$10 a dozen, I should judge, something like that.

Q. You charged \$12 a dozen, making an extra heavy profit on them? A. Not extra heavy, no, sir.

Q. Why is it that you, in these various prices, the few of them that you do recollect, you mention the price as being considerably lower than the price you charged the county; was it the desire of making an extra profit from the county because you had to wait, as you say, for your money? A. Oh, no, no desire—that was my price I charged them? I don't know as I had any reason for it; that was my price.

Q. Were you a dealer in any of the mechanism with reference to electric clocks, electric watches or electric— A. No, sir.

Q. Anything of that kind? A. No, no.

Q. Just look at this order—No. 82—of September 3, 1891, and state whether you can tell where you purchased those articles?

(Order shown witness.)

A. I couldn't tell you now, sir—no, sir; I have no recollection.

Q. Do you know what they are—just read them? A. "Five hundred electric clock records."

Q. Now, do you know what an electric clock record is? A. I think it is something made like a dial that goes over a clock—to the best of my recollection.

Q. Well, do you know what they are worth? A. No, sir.

Q. What is the other item on the bills? A. Five papers of shoe nails.

Q. Five papers of shoe nails? A. It looks—"Five papers of shoe nails, $\frac{5}{8}$, and three dozen wearing irons," I make it here, and "two coach pole hooks, brass."

Q. Yes—did you furnish that order just as it stands? A. I think I did—yes, sir.

Q. Do you recollect anything about it? A. I have no recollection, now—no correct recollection of it; no, sir.

Q. Do you know what the pencil-mark of "60," in front of the five papers of shoe nails, means? A. (Referring to order.) No, I couldn't tell you what that means.

Q. Can it be possible that instead of five papers you furnished 60, or that you charged for 60 and you furnished five? A. If I charged 60 I sent 60, furnished 60, whatever I charged.

Q. Can you tell why it is that the order which you have brought with you shows five papers of shoe nails are demanded, and your bill, as appearing in the board of supervisors' file there, shows that 60 papers are charged for? A. I couldn't answer that only in this way—that the office after receiving that order, they may have telephoned to make that five dozen papers instead of five papers; that is the only way I could reconcile that thing.

Q. That is the only explanation you can give— A. I can give—yes, sir.

Q. Did you also furnish combination locks? A. I think I did; yes, sir.

Q. Do you deal in combinaton locks? A. Do we deal in combination locks? yes, sir; that is, some kinds of combination locks.

Q. "M & F combination locks, right and left, as per sample, two keys to each lock"? A. Yes.

Q. That is the kind you deal in? A. Yes.

Q. What were they worth in 1891 and '92? A. From \$75 to \$80 a dozen, my recollection, something like that.

Q. An expensive lock? A. Yes, sir.

Q. You charged \$100 a dozen? A. I think I did, yes, sir; that was my price, I guess, in the schedule, wasn't it \$100 a dozen?

Q. One hundred dollars a dozen? A. I think so, yes, sir.

Q. Well, if they were only worth \$75 or \$80, that was a pretty good price, \$100? A. Fair price, yes for that lock; it is a very big lock.

Q. Well, but an increase of \$20 a dozen on locks is a pretty large increase, isn't it? A. Not on that class of lock, no, sir; I don't think so on that lock.

Q. Your ordinary price, you say, is \$75 or \$80? A. I say about that; they would cost me something, cost me about — when I say "about," they would cost me between \$75 and \$80 a dozen, I put them in at \$100.

Q. Mr. Hanna, when I asked you that question a little while ago, what was the value of a certain article, what value you intended to place upon it, and you stated the value that you placed upon it, in answer to my question, was what you ordinarily sold it for in your business? A. Yes; but you asked me there what that lot was worth, and I told you what the price of that lot was.

Q. Yes, what the price of it was? A. About between \$75 and \$80 a dozen, to the best of my recollection.

Q. That is what you ordinarily would get for it — A. No, sir, I would not; I say they cost me about that, that lock; that is a special lock, and only made by one party.

Q. Who was it made by? A. I refuse to answer that question; that is one of the —

Q. Well, you will have to answer it? A. All right, counselor; I can't answer it now.

Q. Why don't you answer it now? A. Because I don't care to an-

swer it now; I don't propose to give my knowledge of business information away for the sake of a past or present contractor; I am in the contracting business at the present time.

Q. Are you afraid that the prices of that lock would be traced? A. No, sir; not in the least afraid of that.

Q. Can other people purchase that combination lock? A. They can if they know where to get it.

Q. What does "M. and F." stand for? A. Male and female.

Q. Well, it is an ordinary Yale combination lock? A. Nothing ordinary about it at all, sir; it is an extraordinary lock.

Q. Well, it is a Yale lock? A. It is a Yale lock; yes, sir.

Q. And the Yale Manufacturing Company manufactures that lock? A. Yes.

Q. Anybody else can buy it from the Yale Manufacturing Company? A. They can if they knew where to get it.

Q. How do you mean—if they know where to get it? A. If they knew that the Yale people make it.

Q. But the item in the schedule says "Yale?" A. Well, then, they can go to Yale and get it.

Q. Isn't that where you went to get it? A. Where I went to get it—yes, if you want to know that, I will answer that; yes.

Q. Why didn't you answer that before? A. Why didn't I?

Q. Yes. A. I don't know why; I can't tell you why I didn't; I didn't care to.

Q. Why did you refuse to answer? A. Why did I refuse—I didn't care to answer.

Q. Mr. Hanna, there is no use of your repeating my question; you hear it; my English is fairly good. A. I can't tell you more than this—I didn't care to answer; that is all the explanation I have got.

Q. There was no secret about it? A. No particular secret about it, no; I didn't know it said "Yale" there; if it said "Yale" I would have answered it at once; I presumed it was a business secret, and I didn't want to reveal it; that is all.

Q. Is it a fact that you furnished a Yale combination lock under this schedule? A. Under this schedule—I have no recollection of furnishing any, sir, under that; not to my recollection, no, sir; I don't think I did.

Q. Isn't it a fact that you substituted a different lock entirely for this when you furnished it? A. For that lock; no, sir, not under that number.

Q. Sure about it? A. I have no recollection of doing such—not to my recollection.

Q. You never did? A. Substitute?

Q. Yes; substitute something else for what was called in the schedule? A. Not to my recollection.

Q. Do you mean by that that you never did, or simply that you don't recollect doing it? A. Not that I recollect; I have no recollection of anything of that kind; that was a peculiar lock; I believe that lock was adopted by the doctors there, and they wouldn't have any other lock to my knowledge.

Q. What are mineral door knobs? A. They are knobs for doors, same as that on that door there (indicating).

Q. Ordinary knobs? A. Ordinary knobs.

Q. Do you remember what they were worth in 1890? A. Don't remember; no, sir.

Q. What are they worth now? A. One dollar a dozen; probably \$1.25: something like that.

Q. Well, does that include a profit, or is that the price you paid for them? A. There would be a little profit on that.

Q. Do you recollect how many you furnished of these mineral door knobs? A. I have no recollection; no, sir.

Q. Do you recollect what kind of keys you furnished, where the item in the schedule was "keys, as per sample, M. & F., pass?" A. "M. & F."—I think they were keys for the Yale lock probably—that M. & F. lock you spoke about a moment ago.

Q. What are they worth; do you know? A. About \$3 a dozen; \$3 or \$4 a dozen; something like that.

Q. You say about \$3 a dozen? A. Somewhere in that neighborhood; not less than that.

Q. What are they worth to-day? A. About that price.

Q. They were furnished in 1889 and 1890 for 50 cents a dozen; was there a particular rise in that class of goods? A. I can't account for that; I can't tell you why that was; I don't remember now that circumstance.

Q. Were you a dealer in pointing trowels for masons? A. Pointing trowels; yes.

Q. Do you know what they were worth? A. About 50 cents apiece, something like that; 40 or 50 cents apiece, some more, according to the quality.

Q. What are plastering trowels for masons worth? A. All the way from \$1 apiece to \$2 apiece, \$2.50, \$3, according to the—

Q. One dollar and fifty cents to \$2 apiece? A. Apiece, yes; some of them more.

Q. That would be from \$18 to \$24 a dozen? A. About \$18 to \$24 a dozen; about that.

Q. Well, that was the price in 1889 or '90; was there any difference in price in 1891 and '92? A. About the same.

Q. About the same? A. I presume so.

Q. Well, the successful bidder in 1889 and '90 bid \$2.25, and you bid \$7 a dozen? A. I can't—I don't know how that was.

Q. If they are worth \$18 or \$24 how did you come to bid only \$7? A. That I don't know; I have got no recollection why it was done; I couldn't tell you that.

Q. Well, that was a clerical error? A. I don't know; it may have been and may not, I don't know; that is the price; the price stands there; I can't tell you why it was done; I have no recollection now; probably knew at the time.

Q. Was this one of the items that you put in the schedule for the purpose of balancing some other item? A. I put no items in, sir; I put no items in the schedule.

Q. You put the price on the items? A. Put the price.

Q. Was this one of the prices you put on the item in the schedule for the purpose of balancing your bid? A. That I can't answer; I don't know.

Q. Why can't you answer? A. Because I don't know.

Q. Why don't you know? You made up the bid. A. Because I don't know; it may have been in my mind at the time, but it isn't now; I couldn't tell you; I have no recollection why it is; I couldn't answer that question because I don't know.

Q. Well, it is a most extraordinary difference, isn't it, Mr. Hanna? A. It appears so.

Q. Where an article is worth \$18 to \$24, you only charge \$7? A. It may have been one of those things—if they had ordered them I would have had to furnish, and I would have lost money on them probably; that is about the way that would have been.

Q. But the fact that they didn't order them shows you didn't lose any money? A. I don't know whether they did order any or not; I couldn't say whether they did or not; maybe they did order some; lots of goods they ordered from me that I lost money on.

Q. Mention an item that you remember of your having lost money on? A. Well, I could name a number of articles.

Q. Well, name them? A. Well, I lost money on some lead; I lost money on the bibbs, and other things, lots of things.

Q. Just mention now? A. I named two things now, and that is all I can name now.

Q. You lost money on some lead; lead pipe? A. No, some sheet lead, and some lead pipe, too.

Q. How many sheet lead did you deliver? A. Oh a good deal of it.

Q. What did you charge them for it? A. I have forgotten now, a couple of cents a pound, something like that.

Q. How many pounds did they take of it? A. Oh, a good deal, a number of thousands of pounds.

Q. Several thousand pounds? A. Yes, sir.

Q. Do you recollect who the other bidders were in 1891 and '92 against you? A. No, I don't remember now; there were a number of bidders; I didn't take any account of the bidders; for what supplies?

Q. In 1890, for engineer's supplies? A. I think there were two or three; I think Mr. Burkett was one of the bidders; I think another merchant, in John Street; there were a number of bidders; I don't remember who they were all.

Q. Mr. Ryan was one, wasn't he? A. Mr. Ryan, yes.

Q. Mr. Robbins was another? A. I presume so.

Q. Are they dealers in the same class of goods that you are a dealer in? A. Not altogether; Robbins, I believe, is in the wood and willow ware business.

Q. And Ryan? A. I don't know Ryan; I think he is in John street, though; I have a recollection of that, I think; I think Ryan is somewhere in John street; in fact I don't know the man.

Q. In 1890 when you were the unsuccessful bidder for engineer's supplies, your bid was \$2,612; Robbins bid was \$5,000 more than you, and Ryan's bid was \$4,200 more than Robbins, making a difference between his bill and yours of \$9,000, his bid and yours? A. That I don't know anything about.

Q. That is a vast difference in an account of bid of \$3,000 isn't it? A. It appears so from those figures, yes, if they are correct.

Q. Do you deal in adjustable socket wrenches? A. We carry them in stock now and then; we don't deal extensively in them; we have them now and then on hand.

Q. What are they used for? A. Why for bolts, and getting in a narrow place where you can't use the screw wrench.

Q. Nothing extraordinary about those is there? A. Nothing, but they are a fine wrench, that is all, a good wrench.

Q. Smith & Eggy ; is that the kind that you deal in? A. Smith & Eggy, I believe that is one of the dealers in that class of goods.

Q. Do you know what they were worth? A. No recollection now ; no sir.

Q. What is it worth to-day? A. I don't know ; I couldn't tell you ; I haven't handled any of them in a long time ; I don't know what they are worth.

Q. Don't carry them in stock now? A. No, sir, not at the present time ; no, sir.

Q. Have any idea what they are worth to-day? A. Have not ; no, sir.

Q. Well, do you know whether the price differed largely from 1889 and '90 to 1891 and '92? A. That I couldn't say, sir ; I don't remember now.

Q. Are they an ordinary staple article in your line? A. I presume they are.

Q. You would know whether— A. I don't carry much of those, we don't have many orders for them.

Q. You would know whether there was a vast difference in those prices? A. Not enough, because I don't carry those goods and keep them enough to know, to keep posted enough to know, to familiarize myself with them.

Q. In 1889 and '90 the successful bidder bid \$13.50 a dozen for that class of wrenches. Do you think that was a fair price? A. I couldn't say now, sir.

Q. And in 1891 and '92 you bid \$1.50 for the same kind of wrenches? A. \$1.50 a dozen?

Q. Yes. A. I don't know ; I can't answer that ; I don't know how it was.

Q. You don't know whether you made a fair profit on that? A. No, that I couldn't say ; I don't think there was any profit in it.

Q. Do you know what their value was? A. I don't know why that was in there at all ; that I couldn't answer.

Q. Don't be in such a hurry to say you don't know; listen to my question first; you are entirely too anxious, Mr. Hanna, to say you don't know. Do you know anything about your business? A. Something, yes; you asked me that question about the difference in the cost, and I told you I didn't know.

Q. Well, is there any way you can arrive at the value at all? A. I possibly could by looking it up, yes.

Q. Is there any way that you can tell now whether \$13.50 a dozen or \$1.50 a dozen was the proper fair market price for those wrenches? A. I think \$1.50 a dozen was low for them, a low price for them.

Q. You think that was a fair profit on these wrenches at \$1.50 a dozen? A. No, sir, I don't know.

Q. What do you suppose would be the price at which to make a fair profit on those wrenches? A. I can't tell what those wrenches cost; I say I don't know what the prices of them are.

Q. You know enough to say that \$1.50 would be low — now, what would be fair? A. I say \$1.50 is low upon those wrenches; what would be fair?

Q. Yes? A. Maybe \$12 a dozen, \$10 a dozen—\$9 might be fair; I couldn't tell you.

Q. There is a vast difference between \$1.50 and \$9, \$10, \$12 a dozen. A. I say, I tell you I don't know about that—\$1.50 a dozen was put in.

Q. This may have been another clerical error? A. Might have been an error—yes, may have been.

Q. This might have been put in by one of your clerks, perhaps? A. Might have been put in by my bookkeeper, being called off by one of my clerks or by myself; we are all liable to make mistakes.

Q. This might have been in the line of the cheese gouges? A. May have been, yes, likely—mistakes will occur.

Q. And the 100 pound bell at \$2.50? A. I got that in pretty low.

Q. Those mistakes happened frequently with you, I take it? A.

They may—I don't know that; you call them off—I maybe reminded of it.

Q. Were you a dealer in hose? A. Rubber hose?

Q. Yes. A. Yes, sir.

Q. Have it in stock? A. Some kinds.

Q. Were you a dealer in Baker fabric 3 P. & R. Manufacturing Co. garden hose? A. Not to carry it in stock.

Q. Do you know what the value of it was? A. No, sir.

Q. Do you know what the value of it is to-day? A. Well, I have got an idea it is somewheres around 10 cents a foot, maybe 10 or 12 cents a foot, something like that—maybe more, for all I know.

Q. Do you know what the value of it was in 1891 and 1892? A. No recollection, sir; no, sir; I do not.

Q. Were you a dealer in square bolts? A. Square bolts, yes.

Q. Have them on stock? A. Yes, sir.

Q. What price did you get for them in 1891 and 1892? A. That I don't remember.

Q. Well, they came in different sizes, didn't they? A. Yes.

Q. Have you any idea what the $2\frac{1}{2}$ -inch brass square bolts are worth to-day? A. Oh, square bolts you are talking about.

Q. Yes. A. Brass square bolts.

Q. Two and one-half inch. A. All the way from \$2 a dozen to \$6 a dozen according to the quality and weight of the bolt and style of the bolt.

Q. How does the price vary from $2\frac{1}{2}$ -inch to 6-inch? A. In about the same; 6-inch would cost more than $2\frac{1}{2}$ -inch.

Q. Well, how much more? A. Maybe 50 per cent. more.

Q. Fifty per cent. more? A. Probably.

Q. So that if the $2\frac{1}{2}$ -inch would be worth \$3 a dozen or \$4 a dozen, the 6-inch would be worth \$6 a dozen? A. About that, yes, I presume so.

Q. Can you explain why in 1891 and 1892 you charged as follows:

\$3 a dozen for the 2½-inch, \$4 a dozen for the 3-inch, \$5 a dozen for the 4-inch, and \$48 a dozen for the 6-inch. A. No, sir, I can't explain it, don't remember now.

Q. Was that a clerical error? A. I don't know, sir; I couldn't say.

Q. Well, was it a desire on your part to make a reasonable profit in charging \$48? A. As I said before, I was in the business to make a profit; I wasn't in the business for the love of the thing.

Q. I know, but \$48, when an article is worth \$6 or \$7 is quite a considerable difference isn't it, Mr. Hanna? A. It would seem so, yes; it is.

Q. How did you come to make that difference? A. That I couldn't tell you, sir; I don't know.

Q. Have no recollection of it at all? A. No recollection of that, no, sir.

Q. Is there any way in which you can refresh your recollection? A. No, sir, not that I know of.

Q. When you made that bid of \$48, did you have in mind that none of that size would be called for? A. No, sir.

Q. Do you know whether you furnished any of that size? A. That I don't know; that I couldn't say.

Q. Do you know whether you put that bid in, of \$48, to help balance your bid generally? A. I don't know sir; I don't think I did.

Q. You don't think you did? A. No, sir; I can't explain that discrepancy in the price; that I don't know, how it was in, or how it got in.

Q. Perhaps your bookkeeper, for the purpose of balancing the \$1.50 bid — A. No, I don't think my bookkeeper had anything to with it.

Q. That I just called your attention to; put in \$48 on this? A. That I couldn't say; that I don't know.

Q. Never had a talk with your bookkeeper about it have you? A. No, sir.

Q. Do you think that price was put in when you were in a hurry to get away, late at night? A. I don't know that; I couldn't say.

Q. Were you a dealer in wooden wheelbarrows? A. Yes, sir.

Q. Have them on hand? A. Yes.

Q. Have them on hand now? A. Yes, sir.

Q. Well, what do you sell them for? A. All prices.

Q. Well, give us an idea of the price? A. Sell them, some for \$13 a dozen, some \$15 a dozen, some \$21 a dozen, some \$24 a dozen.

Q. Well, what kind; you looked at the sample of course in the department? A. Yes, I presume I did.

Q. Do you know what kind you sent as per sample? A. I think a good wheelbarrow.

Q. Did you send them the \$24 kind? A. I don't think I bid on a \$24 barrow.

Q. What kind did you bid on; A. Bid on a good barrow, that the schedule called for, all prices; I couldn't tell you that, what it is; I don't remember now.

Q. The wheelbarrow called for; that is what I am trying to get at—is simply “wooden wheelbarrows as per sample;” now what kind did you bid on? A. Bid on a good wheelbarrow.

Q. Well, what kind of one, what was its price? A. I can't tell you now, \$18, something like that; may have been \$20 or \$25, I can't tell you now; haven't you got a copy of all these prices?

Q. Oh, I have, yes. A. Well, that will tell you better than I can tell you.

Q. Now the wheelbarrow on hand was the one from which you got your sample knowledge from, wasn't it, the wheelbarrow in the department? A. What year are you speaking about now, '91?

Q. Ninety-one. A. Ninety-one; I presume we did at that time, yes; I presume so.

Q. Now your predecessor, he furnished that sample, and charged in the year 1890 and '91, \$12 a dozen for those wheelbarrows of which

you saw the sample? A. He may have lost money on them; I don't know that—him furnishing them was no criterion for my furnishing them, that I should furnish them at that.

Q. No, but you charged \$20 a dozen for the same wheelbarrow?

A. I don't say, I don't know that it was the same wheelbarrow; you don't know that it was the same wheelbarrow.

Q. But you say you furnished them as per sample? A. As per sample, yes, but I don't know whose sample was there; it may have been Tom Jones' sample; may have had another sample put in there for all I know.

Q. Suppose it was the sample of your predecessor, then it would be the wheelbarrow that he furnished at \$1 apiece, wouldn't it? A. If it was his sample I bid on, yes, certainly it would; my price there is in the schedule, whatever it was; I don't remember now.

Q. That is the best answer you will give on the wheelbarrow question? A. That is the best answer I can give; I put my price in, whatever it was.

Q. Were you a dealer in ranges in 1891 and '92? A. Sold ranges.

Q. You were not a dealer in them? A. Not to carry them in stock, no, sir.

Q. You had to go and buy them? A. Had to go and buy them, yes, sir; same as most bidders do.

Q. Do you know what the range No. 10, Mott's Defiance, set up complete, was worth, or what their value was to sell? A. No, I couldn't tell you now, sir; I don't remember.

Q. Do you know what they are worth to-day? A. No, sir; I do not.

Q. In 1890 and '91 the successful bidder bid \$85 apiece for No. 10, Mott's Defiance; do you know whether the price had gone down in 1891 and '92? A. That I couldn't say, sir; I don't know; I have no recollection.

Q. Well, you charged \$60 a dozen during that year? A. That is the price, is it; well—I couldn't tell you anything about it; what was my price—I stand by the price; that is all I know.

Q. Oh, I know; I want to get how you came to make that price when the value of it was more? A. I don't know that the value was more; you saw the man previous put it in at \$85; he may have been getting a large profit on it or something; I made my price accordingly, on the price I got.

Q. What is the difference in value between the various sizes; if the No. 10 is worth \$60, what should a No. 9 be worth? A. Be worth \$10, less probably; I don't know.

Q. Ten dollars, more or less? A. No. 9, smaller size, would be less probably; certainly would be less; wouldn't be more than the larger size; that I don't remember.

Q. I made an error; the ranges are numbered different in the schedule of 1891 and '92 than they were in 1890 and '91. The No. 10 was charged \$85, and you charged \$95; the No. 9 was charged \$57 and you charged \$60; now, do you know what the No. 0 size means? A. No. 0? That must mean a small size, I presume.

Q. The No. 0 was charged \$35 for in 1890, and you charged \$20 for it; do you know whether there was that much difference, \$15 on the one and \$15 on the other? A. That I couldn't say, sir.

Q. Do you know what a Rollhouse range was, set up complete, No. 5? A. I have an idea what they are.

Q. What are they? A. A large range similar to the other range, only made by Rollhouse, made by a man named Rollhouse, kitchen range.

Q. Do you know whether they are more expensive than a Mott range, or less expensive? A. I don't think they cost as much as the Mott range.

Q. Well, you charged \$10 for a No. 5 Rollhouse, and your predecessor got \$75 in 1890 and '91; do you know what the difference was? A. No, sir; I do not.

Q. Do you know what the value of that range was in 1891 and '92? A. I do not; no sir.

Q. Do you know whether you made this small price for this Roll-house range for the purpose of balancing the former higher prices of the other ranges? A. No, sir; I have no recollection of it.

Q. What is that? A. I have no knowledge of anything of that kind, sir.

Q. Do you say that was not the case? A. Not the case; I had nothing to do with that, balancing.

Q. You had nothing to do with the balancing? A. No, sir; I didn't do that, as you say, for the purpose of balancing; I say no, sir; it was not.

Q. You didn't do it for that purpose? A. No, sir.

Q. Tell me what purpose it could have been done for, if one article—let me put this proposition to you: Suppose one article that you bid upon could not be sold for less than \$80, and another article could not be sold for less than \$80, that you put one in for \$95 and the other article in for \$10; now, what object could you have in view? A. I don't know; I don't know as I had any object.

Q. Do you mean that this \$10 item might have been another clerical error? A. Might have been a mistake; I don't say it was, or don't say it was not; that I don't know; it is not in my memory now, therefore, I can't answer it; I answer it to the best of my ability.

Q. Do you know what a French range was? A. A large range for one of the institutions, I think, a good, big sized range.

Q. Eight feet long, 3 feet 3 inches wide, two fires and two ovens; do you know what the value of that was? A. I don't remember now, no, sir; an expensive range, I think, if I remember it right.

Q. Do you know where you bought them? A. Yes.

Q. Where? A. In New York.

Q. From whom? A. Well, I don't propose to tell where I bought the range.

Q. You didn't propose to tell the other ones, where you bought the Yale lock from? A. No, because the Yale lock — that was on there, that was all right.

Q. What is your reason for refusing to tell this? A. Because I am a bidder now, and intend to be a bidder, and I don't propose to give secrets where I buy goods away to other bidders; that is all my reason.

Q. Do you mean to say that an ordinary bidder in that line of business could not tell where a French range, in accordance with this schedule, could be purchased? A. He might and might not.

Q. And you would think that you were giving away one of the extraordinary secrets of the trade by stating now from whom you bought this French range? A. I wouldn't care to state it.

Q. Can you tell now, that you are under oath, that you ever bought a French range in your life? A. Can I; I think I did; yes.

Q. You think you did? A. Yes.

Q. Are you sure you did? A. I think I did; yes.

Q. Are you sure about it? A. Yes.

Q. Do you know when you bought it? A. No, sir; I can't tell now.

Q. Do you know for whom you bought it? A. Bought it for the county.

Q. Did you ever furnish a French range for the county? A. I did; yes.

Q. When? A. I think in 1891.

Q. You are sure about that item? A. I think so, yes; to the best of my belief I think I did furnish a French range.

Q. How many did you buy? A. That I couldn't say; to the best of my ability I think I bought one or two, but I won't be positive as to that.

Q. What is that? To the best of my knowledge I am under the impression I bought more than one; I think may be two French ranges.

Q. Couldn't have been three? A. It may have been; I wouldn't say so.

Q. How did you ship them to the institution? A. I think they went by—if they went to Flatbush they went by truck.

Q. Did you send them yourself or have them shipped directly from the place where you purchased them? A. I think they were shipped from the place where they were purchased.

Q. And will you say where you purchased them? A. I don't care to say that, counselor.

Q. Well, I ask you now to say where you purchased them; I ask the stenographer to take upon his record that I demand of the witness an answer to the question where he purchased, if ever, the item appearing upon page 73 of the schedule of 1891 and 1892, line— A Line; is it a line; that wasn't in any line; if I furnished them I furnished them under a bid—

Q. Line 2556, reading as follows: "Range, French, 8 feet long, 3 feet 3 inches wide, 2 fires and 2 ovens, set up complete?" A. I am under the impression that I furnished one or more of those; I wouldn't swear to that.

Q. That is not my question; the stenographer will read the question?

(Question read by the stenographer.)

Q. I want to know where you purchased them; I want to get an answer to that? A. I am not swearing that I did furnish a French range, because I am not exactly clear as to that point; but if I did purchase them you want to know where I did purchase them.

Q. Yes? A. From Bramhall, Dean & Company, if I did purchase them.

Q. Their place is in New York City? A. Yes; understand now, I am not swearing I purchased; to the best of my belief—

Q. Now you seem to be doubtful whether you ever purchased any or supplied any? A. I know I supplied a number of ranges, and that is not quite clear in my mind as to whether I did, but I am under the impression, counselor that I did purchase a range, a French range from Bramhall, Dean & Company.

Q. Were you a dealer also in copper coffee and tea urns? A. Not a dealer in those goods, no sir, those goods are made to order.

Q. Made to order? A. Made to order, those goods are, yes sir; I don't think they are carried in stock by anybody.

Q. Seventy gallon capacity, do you know whether you had those made to order, or whether any of them were ordered? A. I am under the impression that I furnished one; that is, I think so; I am not positive.

Q. Do you know what they are worth? A. I do not, no sir; I have no recollection what they are worth.

Q. I ask you whether you ever had the curiosity to look at the other schedules, or the bids of other bidders who had been successful previous to your own successful bidding? A. No recollection of looking at any bid.

Q. Never had any curiosity to find out? A. No, sir.

Q. In 1890 and '91 these copper tea or coffee urns were furnished at \$165 apiece; your bid was \$125 apiece; do you know whether copper had gone down during that year? A. No, sir; that I don't know; you say my bid was \$165 one time, and \$125—

Q. No; your predecessor's bid—no, you were the successful bidder that year, I think,—no, your predecessor's bid was \$165 in 1890 and '91 and in 1891 and '92 you bid \$125, \$40 apiece less; is there such a profit on an urn like that of \$40? A. I don't know what he charged, what he was working for; if I furnished one, I furnished at the price I have got it in at; I probably must have made a little something on it.

Q. Well, did you? A. That I couldn't say; I am under the impression that I did; I don't think I put it in at a loss; still I may have; that I don't remember.

Q. If they were worth \$125 in 1891 and '92, what in your opinion were they worth in 1892 and '93. A. About the same price I should judge.

Q. The successful bidder in that year, bid only \$25 apiece for them?

A. That I don't know anything about.

Q. Could they have been made for that, do you think? A. I don't think so.

Q. Or did you make an extraordinary profit at \$125? A. No; no, they couldn't have been made for that figure.

Q. You say you furnished at least one for that figure? A. I am under the impression I did; I think I had an order for one?

Q. Are you sure about that? A. Not positive, no, sir.

Q. Are you a dealer in water backs? A. No; those are parts of stove dealers, stove trade, those and ranges.

Q. You furnished them? A. I think so, yes; I am under the impression that I did, for some of the ranges.

Q. Do you know what a water back is? A. It is a cast-iron receptacle for water.

Q. Ordinary things for every household range, aren't they? A. Yes, sir.

Q. Have you any idea as to their value? A. No, sir; I don't know what they cost.

Q. What is the difference in the price as to size? A. That I don't know, sir.

Q. Well, have you no idea what their price was? A. No, sir.

Q. In 1890 and 1891 the successful bidder bid as follows: Ten dollars each for a No. 5, Rollhouse range, water back; \$6 each for a No. 9, Mott's range, water back, and \$10 each for a No. 10, Mott's range water back, and you bid \$10 a dozen for a No. 5, Rollhouse water back; do you know what that was, how that came about? A. No, sir; I have not—no recollection of it; I can't answer that; I don't know.

Q. Couldn't be possible that that was a clerical error? A. I can't say.

Q. And then you bid \$54 a dozen for a No. 0, Mott's range water back, which was not in the schedule of the year previous; \$72 a dozen for a No. 9 water back, Mott's range, which is a trifle of \$66

a dozen more; and \$108 for a No. 10, Mott's range, per dozen, which is \$12 less than your predecessors; but the extraordinary price is that \$10 per dozen of the No. 5 Rollhouse range, where the other party bid \$10 a piece? A. I can't answer that; I don't know; no recollection about that part of it.

Q. Is it possible that you were misled about seeing the "dozen" on that particular line? A. That I couldn't say; I have no recollection of that now; it is not in my mind, consequently I can't say.

Q. Now, do you know whether as a matter of fact, any of the institutions had any Rollhouse range No. 5? A. That I don't know; sir.

Q. Do you know whether you supplied any of this kind of water backs? A. What kind of water back?

Q. This water back for Rollhouse range, No. 5, \$10 a dozen? A. That I have no recollection of.

Q. Well, will you say you did or you did not? A. I don't think I did; I have no recollection of supplying them.

Q. No; I don't think you did either; in the year following, 1892 and 1893, your successor in successful bidding charged but \$5 a dozen for the No. 5 Rollhouse range water back; do you know whether Rollhouse range water backs went down 100 per cent.? A. That I couldn't say, sir; I don't know anything about it.

Q. Wasn't it a fact well known that that range was not used in the institutions at all, and would not be called for? A. Not that I am aware of, that I had any knowledge of.

Q. When you bid \$10 a dozen you bid a price that you were ready and willing to furnish them for, is that it? A. If they had ordered any, I would have had to furnish them.

Q. When you bid this price you were ready and willing to furnish them at that price? A. Yes, sir.

Q. Regardless of the fact that they were really worth \$120 a dozen, or thereabouts? A. I don't know what the price was at that time; but whatever my bid called for and they ordered them, I would have to furnish them.

Q. Oh, of course; was this bid put in for the purpose of balancing the rest of the bid? A. I think not; no, sir.

Q. Can you explain any reason why such a grave difference exists? A. Not now, I can't; it is not fresh in my mind; I don't know; no, sir; I couldn't tell you why those figures were put in at that price.

Q. Didn't it impress you at all? A. No, sir.

Q. Might have been put in in a hurry when you were late and anxious to get away? A. Possibly.

Q. Were you also a dealer in hoop and band iron? A. Sell hoop and band iron, yes; that is, not much band iron; we carry hoop iron.

Q. You carry it? A. Some few sizes, yes; not to any extent though.

Q. How has that fluctuated in value in the last five years? A. Oh, hasn't varied much; about the same.

Q. Is Ulster hoop and band iron a well-known brand? A. Yes, sir.

Q. A staple article? A. A staple article.

Q. Do you know what it is worth? A. I don't, no, sir; I couldn't tell you what Ulster iron is worth, to-day, no; I am not handling it at all.

Q. Don't handle it at all? A. No Ulster iron, no, sir.

Q. I thought you said you still handled— A. I am still handling hoop iron in stock.

Q. Is there any hoop iron known by the name of "Ulster?" A. Yes, but I don't think there is much used, now, Ulster iron.

Q. You handled it you say? A. I did handle it at that time I presume, if that is in the schedule, if it says "Ulster iron."

Q. Don't you handle it now? A. No, sir.

Q. Is hoop iron one kind and band iron another thing, or is it known as hoop and band iron? A. Band iron is a little heavier than hoop iron, sir, thicker iron.

Q. Was there any material difference in hoop and band iron, flat iron, English iron, bar iron, flat, Swedish, and bar iron, round, Swedish, assorted sizes, and horseshoe iron; any material difference in those? A. In the Swedish iron there was a difference in price, some, yes; one was more expensive than the other.

Q. Swedish iron was a little more expensive? A. Yes.

Q. Well, you mean the flat bar iron or the round bar iron? A. Well, Swedish iron.

Q. Either flat or bar? A. Where it says "Swedish," that is higher than the ordinary iron.

Q. Always was? A. Always was; yes.

Q. Well, how came it that in 1891 and 1892 your bid showed the following peculiarity on the question of iron; "hoop and band iron, 3 cents a pound; flat iron, English, $5\frac{1}{2}$ cents a pound; iron, English, round, Ulster, $5\frac{1}{2}$ cents a pound; bar iron, flat, Swedish," which you say was more expensive, $2\frac{1}{2}$ cents a pound; and bar iron, round, Swedish, $2\frac{1}{2}$ cents a pound;" how do you explain that?

A. That I don't know sir; I can't—I don't know—I don't understand it.

Q. Is that all you can say? A. That is all I can say sir, because I don't know.

Q. Well, you said the Swedish was more expensive; you can give no explanation how you came to charge— A. No, sir; I don't know no—

Q. Half the price for the more expensive that you did for the others? A. Unless it was a mistake in putting down the figures, that is all; I don't know of any other reason.

Q. That was another clerical error? A. It may have been, I don't know.

Q. Well, I have called your attention now to quite a number of these articles, haven't I, Mr. Hanna? A. You have, yes.

Q. And you think they were all clerical errors? A. I don't know anything about that now, sir; it is too far back; I can't refresh my memory, and don't know; they must have been mistakes, evidently they are.

Q. What was horseshoe iron worth? A. That I don't remember now.

Q. In 1889 and 1890 the successful bidder bid as follows: 4 cents for the hoop and band, English flat iron; 6 cents for the Swedish iron—which carries out the idea that you expressed, that it was the more expensive—and 5 cents for the horseshoe iron—

showing that it was a little more expensive than the hoop and band iron; is that your idea about it? A. Yes, that was my idea; how those figures—the $2\frac{1}{2}$, I don't understand.

Q. How is it that in your bid of 1891 and 1892 you only charged $\frac{1}{2}$ cent a pound for horseshoe iron? A. That I don't know, sir; I can't answer that question; I don't know.

Q. Couldn't be another clerical error, because they are becoming very numerous, Mr. Hanna? A. It must be; I don't know, counselor; I couldn't answer that.

Q. Is there any way you have of refreshing your recollection about those errors? A. No, not that I know of.

Q. Who was your bookkeeper that helped you in making these bids at that time? A. Oh, I have had two or three bookkeepers since I have been in business; I don't remember now; I will have to ascertain.

Q. Don't recollect who was your bookkeeper in 1890 and 1891? A. No, sir.

Q. Who is your bookkeeper now? A. A man by the name of Weeks, Mr. Weeks.

Q. How long has he been in your employ? A. I think about three years.

Q. Don't know who his predecessor was? A. I don't remember his name now, at present, no sir.

Q. Do you know whether he is alive? A. We changed; Mr. Finkin, I think, was our bookkeeper then, if I remember right.

Q. Couldn't have been that you had a wicked partner who put in these items? A. No, I think not, no sir.

Q. At the increased price that you placed upon the English flat and round iron, namely, 5 cents, they having been theretofore 4 cents, you furnished nearly 8,000 pounds; did you know that you would be called upon to furnish about that when you put this price on it? A. I never knew what I would be called upon to furnish in any of the articles enumerated in the schedule.

Q. Nobody made any suggestions to you at all? A. No, sir.

Q. Were you a dealer in octagon steel? A. Selling steel, steel and iron; not a dealer in buying these goods; that is, when you say dealer, do you mean whether I carried those things in stock?

Q. Yes. A. Carried no steel in stock; merely go out and purchase it when I get an order for them.

Q. Do you say that you ever furnished any horseshoe iron to the institutions? A. Do I say?

Q. Yes. A. I couldn't say now, without looking it up, to know whether I did or not.

Q. When you bid one-half cent a pound for horseshoe iron, did you have any idea that none would be called for? A. I had no idea whatever; no, sir; supposed it would be called—in the schedule—I presumed everything on the schedule would be required.

Q. Did anybody tell you when you made that bid that the institutions bought all their horseshoes ready made? A. No, sir.

Q. You never knew that? A. Never knew that; no, sir.

Q. This is the first intimation you have of it? A. Ever had of that; yes, sir; to my recollection—to the best of my recollection; no recollection of anyone making any statement of that kind to me.

Q. Did you ever deal in Jessup's steel? A. Sold Jessup's steel, yes; never carried it in stock; as I said before; and all these goods went out and purchased them.

Q. Did you ever purchase any Jessup's steel for the department? A. I think I did, sir; I won't be positive as to that; but I think so.

Q. Couldn't have been that that was one of the articles you substituted or got some other steel instead of Jessup's? A. I think not; no, sir.

Q. Do you know whether the price of octagon steel fluctuated largely between 1890 and '91? A. Not that I am aware of, sir.

Q. What was the value of it; what did you sell octagon steel for? A. I don't remember now, sir; I couldn't tell you about that.

Q. Was any of it called for at all? A. That I don't remember, sir.

Q. In 1890 and '91 the successful bidder bid 17 cents for octagon steel, sizes from one-half to 1½ inch Jessup's; now, which was the higher priced, the one-half inch or the 1 inch? A. The smallest size would be the highest.

Q. The smaller size would be the highest priced; that is, the one-half inch would cost more than the 1 inch? A. A little more, yes.

Q. Why? A. Well, I don't know exactly why, but on all those small articles they charge more; that I can't answer.

Q. Wouldn't they charge more for the larger size? A. Larger size, I think not, no sir; I think the price would be the other way, on the smaller sizes, the best of my recollections on that; I am not much posted in steel or iron.

Q. Not in that kind of steel? A. No, sir.

Q. You charged 8 cents a pound for octagon steel in 1891 and '92, less than one-half what your predecessor charged; do you know whether you actually furnished Jessup's steel during that year?

A. I don't remember; if they called for Jessup's steel they got Jessup's steel.

Q. Well, regardless of what was called for in the requisition, did you, in fact, furnish it? A. I have no recollection whether I did or did not, sir.

Q. Isn't octagon steel, regardless of size, sold by the pound?

A. By the pound.

Q. So it doesn't make any difference what the size is? A. Well, I am not clear; I think the smaller the size steel is, they charge a little more for small steel than they do for large steel; same as they charge for small nails a higher price for small nails than they do for large nails; I think the steel market is regulated the same way.

Q. Would there be as much as a difference of 5 cents a pound?

A. That I couldn't say sir, because I don't know; there might and there might not.

Q. Between one-half inch octagon steel and one and one-quarter inch? A. That I couldn't say; that I don't know.

Q. Did you ever know anything about it? A. About what.

Q. The difference in — A. I may have at the time; I don't know; too far back; I don't remember.

Q. Where did you get the octagon steel? A. Where did I get it?

Q. Yes? A. I don't remember.

Q. Well there is a usual market, an ordinary market, for it, isn't there, the same as any other article in the trade? A. Oh, yes,

and there is a dozen steel houses in New York; may have bought it from one man and may have bought it from another.

Q. Can you explain why it is that you charged eight cents a pound for all the octagon steel in the schedule, one-half inch, five-eighths inch, three-quarter inch, one inch, that you charged three cents a pound for one and one-quarter inch? A. No; I don't know why, no, sir, not now.

Q. Could it be possible that that was another clerical error? A. It may have been.

Q. That is the only explanation you can give? A. The only explanation I can give.

Q. Did you have any conversation with anybody before you came here with reference to what answers you were to give here, Mr. Hanna? A. No, sir; I did not.

Q. Didn't talk over with your partner about it? A. I haven't seen my partner since I left this morning.

Q. Since what? A. I haven't seen my partner since I left this morning.

Q. Oh, I know that — A. Well, I thought you asked whether I talked it over with my partner.

Q. Have you ever spoken to anybody about your testimony here, after you were subpoenaed? A. No, sir.

Q. You were subpoenaed more than a week ago you remember? A. Yes, two weeks ago—any more than I wrote to my partner and told him I had received a subpoena, and I may have told a friend or two possibly, that I had received a subpoena.

Q. Had no other talk about it? A. Not to my knowledge; no, sir; what do you mean by—what talk?

Q. Any talk about what your testimony would be here? A. No, sir; no, sir; no, sir.

Q. Nobody made any suggestions to you? A. No, sir; no, sir; no, sir.

Q. Did you attempt to refresh your recollection by your books, or any other way on the matters to be examined here? A. I would have no—nothing to refresh, because I have talked the matter over with no one, any more than as I said I may have men-

tioned the fact that I had received a subpoena, but as to what I was to testify, or what not, I had no conversation with any one on that subject.

Q. Were you a dealer in tire iron? A. Same as in the other iron.

Q. You simply purchased it? A. Purchased it.

Q. Do you know what the value of that was? A. I have no recollection now; no, sir.

Q. Were you a dealer in corrugated iron? A. Same as all the other irons.

Q. You purchased that? A. Purchased that when I received an order for it.

Q. Do you know what the value of that was? A. I have no recollection at present; no, sir.

Q. Well can you form any idea what its value was? A. I suppose it is worth may be six cents a pound, six or seven cents a pound, something like that may be.

Q. What is corrugated iron usually used for? A. For roofing purposes; use it around buildings for roofing.

Q. It comes in sheets? A. It comes in sheets, yes.

Q. And is sold by the pound? A. By the pound.

Q. You think the value of it is six or seven cents? A. Somewhere I should think, something like that.

Q. Do you think it could be bought for four cents? A. It might have been.

Q. Do you think it could be bought for one cent? A. No, sir.

Q. Now, if it couldn't be bought for one cent how did you come to bid one cent for corrugated iron in 1892? A. That I don't know sir; that I couldn't say, why, I don't know.

Q. Your bid shows that, Mr. Hanna? A. Well, if my bid—then speaks for itself; it answers better than I can.

Q. You can't speak for yourself on that? A. I can't answer that question because I tell you I don't know why it was put in at one cent a pound; I don't know.

Q. Wasn't put in to balance your bid? A. No, sir.

Q. You are sure of that; you wasn't balancing your bid were

you? A. That was not my motive in putting any price in to balance any bid.

Q. Well what was your motive in putting in these articles for less than they could be bought for, less than cost? A. The chances I was taking; if they wanted the goods, I had to furnish them, as I did on other goods.

Q. But what was the object of taking such chances? A. I don't know as I had any object; I wanted to win the contract, and some things I put in low, and some things I got a better price for, that is all.

Q. And that was the only object you had in taking a chance? A. Taking a chance in a bid.

Q. Were you speculating that this article on which you put a low price would not be called for? A. I don't know as I was, no, sir; I didn't take it much into thought to speculate on it.

Q. You didn't take that into consideration at all? A. I took — as I said, some of the goods I put in low and some I put in higher; if they were ordered I had to send them.

Q. When you put in those lowest bids at less than cost, as this corrugated iron seems to show, did you speculate then? A. I took the chances, whether they would want that iron or not.

Q. Yes? A. That is it, I took the chances on it; if they ordered it I would have had to furnish it.

Q. Did you make any inquiry whether they had been using corrugated iron therefor? A. Not that I have any recollection of.

Q. Will you say you didn't make any inquiry? A. I said I didn't.

Q. You didn't make any inquiry? A. I said I didn't make any inquiries as to whether they would use it.

Q. Did you look at the bid or the schedules of the year previous? A. No, sir; no recollection of looking at them.

Q. Will you say that you did not? A. I didn't look at them; that is what I say; I didn't look at the schedules.

Q. This item of corrugated iron didn't appear at all upon the schedules of the year 1890 and 1891, and made its first appearance on the schedules of 1891 and 1892; was that a tip for you in making

this bid of 1 cent a pound, believing that as they had not been called for, and had not been put in the schedule the year previous, they would not call for it this year? A. I don't know; I don't think so; I can't answer that question; that I don't know.

Q. When do you say you furnished any sheet lead, Mr. Hanna?

A. Oh, I don't remember now; I think I furnished some in 1892 or 1891 to the best of my recollection.

Q. You are sure about that? A. I think so, sir.

Q. Was it sheet lead or sheet zinc? A. Well, that I am not exactly clear on; I would have to look that up; but I think so.

Q. Can you say that you ever furnished any sheet lead at any time? A. I think so, yes, sir.

Q. Do you know at what price you furnished it? A. I think about 2 cents a pound, something like that; the records of the department will show whether I furnished any of that lead or not; they have got them all there.

Q. It could not have been lead pipe? A. It may have been lead pipe; I think it was lead pipe also; I won't be positive as to that; it may have been lead pipe; but the record of the departments will show what I furnished.

Q. You have no definite idea what year it was? A. No, sir.

Q. And you don't know how many thousands of pounds you furnished? A. I have no recollection now, as to that, no sir.

Q. Do you know what the value of lead pipe was in 1891 and 1892? A. Well it varied, fluctuated.

Q. What is that? A. The price varied at various times on lead pipe; it may have been worth 5 or 6 cents, 7 cents, 8 cents a pound; all different prices.

Q. The price varied? A. Yes, same as lead does, white lead; the price may be a certain price to-day, and next month it may be another price.

Q. Can you tell how much lead pipe varied from 1890 to 1893? A. I can not now, no sir.

Q. Is that something you dealt in, something you purchased? A. Something I purchased.

Q. In 1889 and 1890 the successful bidder bid 6 cents a pound

for lead pipe, A and AAA, and lead pipe, waste, 10 foot lengths,⁴ 6 cents a pound; in 1890 and 1891 the successful bidder bid 6½ cents a pound for each of them; in 1891 and 1892, you bid as follows; 10 cents a pound for lead pipe, AA and AAA, and 2½ cents a pound for lead pipe, waste, 10-foot lengths; now what caused the difference between those two items in that year? A. That I don't remember, sir.

Q. Lead pipe was lead pipe in that year as it had been before wasn't it? A. Yes, sir.

Q. What caused you to make such a difference in the price? A. That I don't know now; that I couldn't answer; I don't know; couldn't remember.

Q. Do you think that was a clerical error? A. It may have been.

Q. Well was it? A. I don't know; I couldn't say; I don't know, consequently I can't say; that I don't know.

Q. Was it an item inserted by the bookkeeper? A. That I don't know; I wouldn't say it was, or wouldn't say it was not.

Q. Was it inserted with an object in view? A. Not to my knowledge, no sir; I have no object in view.

Q. Had no object in view at all? A. No, sir.

Q. Well, if the 10 cents a pound was the proper price, giving you a fair profit, the 2½ cents a pound, could not have been a proper price and given you any profit, could it? A. No; no, sir.

Q. Then what made you put in such a bid? A. That I don't know now; I can't tell you, because I don't remember why I put it in; I don't know; I have no recollection.

Q. Was it put in speculatively, upon the strength that they might not call for any of this pipe? A. May have been taking a chance, but I don't know, I don't say that it was; it may have been.

Q. Was it put in to balance this bid on this class? A. No, sir.

Q. You can't give any reason? A. No, sir; I don't remember now.

Q. For this peculiarity in these two line items, in one class, one

under the other, both consisting of the same material? A. I have no recollection of it whatever now, no, sir.

Q. And you can't give an explanation of it? A. No, sir.

Mr. Hirsh.—The time for adjournment is at hand.

Mr. Chambers.—The committee will stand adjourned until tomorrow morning at 10 o'clock.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON AFFAIRS OF CITIES, AT A MEETING HELD WEDNESDAY MORNING, AUGUST 7, 1895.

Present.—Messrs. Schulz, Chambers and Keenholts, of committee.

Mr. Hugo Hirsh, of counsel.

Examined by Mr. Hirsh:

Q. Mr. Hanna, have you refreshed your recollection since yesterday by an examination of your books in order to see how you came to make such peculiar bids? A. I haven't looked at my books, no sir; I haven't had time.

Q. You were at your place of business this morning, were you not? A. I was there, yes, sir, for a short time; I had other matters to attend to though.

Q. You have not sought to inquire how you came to make the peculiar bid on lead pipe of 10 cents for one kind and 2½ cents for another? A. No, sir.

Q. Has anything happened to refresh your recollection about it? A. No, sir.

Q. And you know no more about it to-day than you did yesterday? A. I know no more about it to-day than I did yesterday, no, sir.

Q. Were you a dealer in lead traps or did you purchase those? A. I purchased those, sir.

Q. Do you know what the value of lead traps were in 1891 and 1892? A. I couldn't say now, sir.

Q. Have you any idea as to their value? A. No, sir; I have no idea what they are worth now.

Q. Do you know how the value goes; whether by size—whether the larger size is more valuable than the smaller size? A. I suppose the larger size is the most valuable.

Q. The schedule contains them in this wise: Lead “P” traps, 1½-inch, 2-inch, 4-inch; lead “S” traps, 1½-inch, 2-inch and 4-inch; are the 2-inch and the 4-inch traps more expensive than the 1½-inch traps? A. Probably they are; yes, sir; I should say so; I should think so.

Q. As a dealer in those articles you know, of course, that the larger size is more valuable than the smaller size? A. Yes, sir.

Q. In 1891 and 1892 you bid for “P” traps, \$8.50 a dozen for the 1½-inch; \$10 a dozen for the 2-inch and \$18 a dozen for the 4-inch; do you know whether those were fair market prices? A. I think they were at the time, yes, sir, to the best of my recollection.

Q. Have you any recollection on that subject? A. I have no particular recollection as to that item; no, sir.

Q. Do you know whether that class of goods had risen in price from 1890? A. Not that I am aware of, sir.

Q. Your figures were 50 per cent. more in 1891 than the same articles brought by the successful bidder in 1890; do you know of any reason for that? A. No, sir.

Q. In 1892 and 1893 for the largest size of these traps the successful bidder, where you bid \$18, bid \$5; do you know whether this particular size of lead traps had gone down that year? A. I have no recollection as to that; I don't think there has been any change in the price; not to my recollection.

Q. Can you give any reason for the large deterioration or depreciation in price between \$18 and \$5 a dozen? A. No, sir.

Q. If your's was a fair price, \$18 a dozen in 1891 and 1892, and the price had not materially decreased in the following year, \$5 must have been a very low price, and could not have given a fair profit to the bidder? A. Possibly not.

Q. Well — A. I can't answer for what another man has done; if you ask me as to my price I can answer to the best of my ability.

Q. Did you make \$13 a dozen profit? A. No, sir; I can't tell you what my profit was.

Q. You can buy as cheap as anybody? A. I think so; yes, sir.

Q. If you didn't make \$13 a dozen profit and the other man sold at \$5 he could not have made much profit on them, could he? A. I think not.

Q. The same item exactly appears on the lead "S" traps in 1891 and 1892, when you were the successful bidder; you bid \$24 a dozen for lead "S" traps; I suppose you would say that was a fair price for them in 1891 and 1892? A. I should think so at that time; I have no recollection at that time.

Q. But the successful bidder in 1892 and 1893, bid \$5 for the same article; do you think that was a fair price for that year? A. It would not have been for me a fair price.

Q. I am not asking you whether it would have been a fair price for you; I am asking you whether it would have been a fair market price? A. I don't know what he had on hand or where he bought or what he paid for them; he may have been satisfied with that price; it may have been a fair price for him.

Q. Did you understand me to ask you whether it was a fair price for him? A. Yes, sir.

Q. You will have to listen to me, Mr. Hanna; I asked you whether in your opinion it was a fair market price—not a fair price for anybody—but a fair market price; you went into the open market to buy lead traps, did you not? A. Yes, sir; I hardly think it was a fair market price at that time.

Q. You mentioned the fact yesterday that you lost money on some bids that you furnished the department; did you mean by that bibb cocks? A. I think so; yes, sir.

Q. Do you recollect what particular item of bibb cocks you lost money on? A. I can't recall the item; no, sir.

Q. Well, let me see if I can refresh your recollection? A. Yes, sir.

Q. Do you know what bibb cocks were used for? A. Yes, sir; they were used to put on lead pipe to run water out.

Q. Do you know what they were worth—what the market value was? A. I don't remember now; no, sir; it is impossible for me to carry all these items in my head.

Q. Which was the dearest—the one-half-inch bibb cocks or the three-quarter-inch bibb cocks? A. The three-quarter-inch would cost the most.

Q. The larger the size the higher the price? A. Yes, sir; the larger the size the higher the price.

Q. Can you explain this bid; in 1891 and 1892 you bid \$10 a dozen for one-half-inch bibb cocks; \$12 a dozen for five-eighth-inch bibb cocks; \$1.50 a dozen for three-quarter-inch bibb cocks; \$1 for five-eighth-inch bibb cocks, and \$1 a dozen for three-quarter-inch bibb cocks, plain? A. No more than this; that my judgment may have told me at that time that that was an unusual size of bibb cocks and there wouldn't be an order for them, and I took a chance on them.

Q. Then you assumed that when the department advertised for these larger sized bibb cocks they would not use them? A. Well, I took that chance; it seemed to me probably that they would not use some of those larger sizes; I took a chance.

Q. Did you in fact furnish any of those larger sizes? A. I am under the impression that on nearly all the goods on that schedule—that at some time I furnished some of the articles, even those that were in at a lower figure, to the best of my recollection.

Q. You mentioned yesterday that on an article of bibb cocks you did lose money? A. Yes, sir; I did—if I furnished them I lost money.

Q. Well, did you furnish them? A. I am under the impression that I did; I won't speak absolutely as to the correctness of that, but as far as my recollection goes I think every item or most of them, that some time or another I have furnished, even goods at a loss; I had no opportunity of knowing what they were going to send for, and when I put in my bid I took my chances; if they called for the articles I furnished them.

Q. But you stated voluntarily that you lost money on some of the articles? A. Well, I will stand by it if I said it.

Q. And you made the assertion that one of the articles was bibb cocks? A. Yes, sir.

Q. I am calling your attention to that item, and I want to know

which particular item of bibb cocks you lost money on? A. I can't tell from recollection, but I will find out and let you know; I can't speak from recollection about it, but I am willing to bring the number and article and tell you what it was.

Q. Do you know what they were worth? A. I don't remember now; no sir.

Q. Do you know whether \$10 for $\frac{1}{2}$ -inch bibb cocks was a large or a small price? A. I think it was a fair price.

Q. That was a fair ordinary market price? A. I think so; yes, sir.

Q. And \$12 for the 5-8-inch bibb cock was also a fair price? A. Yes, sir; about the fair price.

Q. But \$1.50 for the larger size was below cost? A. Yes, sir; it was very low.

Q. It was very low? A. Yes, sir.

Q. How much below cost? A. Much below cost; yes, sir.

Q. Did you know James Brooks? A. Yes, sir.

Q. How long have you know him? A. Oh, I guess probably eight or nine years, maybe longer—ten years.

Q. How did you become acquainted with him? A. Why I knew him when he was in business for another concern in New York; how I got acquainted with him I can't tell you—introduced by a friend of his probably a number of years ago.

Q. And have you since become quite intimate with him? A. I have known him very well, yes, sir.

Q. You knew that he also became a successful bidder? A. I understood that he had; yes, sir.

Q. For certain classes of goods? A. Yes, sir.

Q. Were you interested at all with him in his bids? A. No, sir.

Q. Did you know that he was bidding as a competitor with you? A. No, sir.

Q. Didn't you know that he became a successful bidder against you in 1892 and 1893? A. I knew that, yes, sir; because I saw it in the papers, and he may have told me himself.

Q. Well, didn't he? A. That I couldn't say; he may have.

Q. Did you have any conversation with Mr. Brooks regarding the method of getting up these bids? A. No, sir.

Q. Nor he with you? A. No, sir.

Q. You never had a talk about it? A. No, sir; any more than I may have said I was going in to bid on it, but as to the method I never did.

Q. You never spoke about how you got up your bids? A. No, sir.

Q. Did you ever talk with him about where you bought your goods? A. I may have; probably I did; I have no recollection.

Q. Did you ever tell him where you got your information from? A. No, sir.

Q. Did he ever say to you where he got his information from about certain goods that would not be called for? A. No, sir; never.

Q. Did you ever talk over with him how it came about that he, a former clerk of Stoughton, was able to defeat his old firm in obtaining a bid? A. Did I ever ask him about it?

Q. Yes, sir? A. No, sir.

Q. Did he ever tell you? A. No, sir; I should have considered it an impertinent question to ask him.

Q. You would have considered it impertinent when you were quite intimate with a man to have asked him that? A. Yes, sir; I would, sir; I wouldn't think it was any of my business; I never had occasion to ask.

Q. Do you know where Brooks lives? A. I do not; no, sir.

Q. Have you ever been to his house? A. I was to his house at the time his father died; it may have been two years ago, and the street I have forgotten.

Q. And the number of the street? A. Yes, sir; if I wanted to find out his house to-day I would have to go and ask someone.

Q. Does he live in Brooklyn or New York? A. In Brooklyn.

Q. Where is his place of business? A. At No. 8 Fulton street.

Q. New York city? A. Yes, sir.

Q. Right near you? A. Yes, sir; about a block and a half.

Q. Do you ever come together in business with him? A. I meet him quite frequently.

Q. And the fact that he became a successful bidder against you does not militate against your intimate friendly relation? A. Not at all.

Q. You say you are not interested with him in his contracts at all? A. No, sir; I am not.

Q. Nor your firm? A. No, sir.

Q. Do you know the "Company" of James Brooks? A. I know there is such a firm; yes, sir.

Q. Who is the company? A. That I don't know, sir.

Q. And you never did know? A. I think though that the man's name is Mitchell — or "Comar" — yes, Comar.

Q. Comar? A. Yes, sir.

Q. Do you recollect whether Comar was a resident of Brooklyn? A. I couldn't say.

Q. Is your partner a resident of Brooklyn? A. Yes, sir.

Q. There are only two in your firm? A. Yes, sir.

Q. And only two in Brooks' firm? A. As far as my knowledge goes; I don't know anything about Brooks' business, sir.

Q. What was the occasion of your visit to Brooks' house two years ago? A. To attend the funeral of his father.

Q. Has Brooks ever visited your house? A. No, sir; never — never been in my house that I know of.

Q. Do you belong to organizations or clubs together? A. No, sir; not to my knowledge; I did at one time belong to the Scymour Club; that was on the other side of Brooklyn, but I never attended a meeting, and I don't know as I have anything to do with it now; I don't know as I ever attended a meeting.

Q. Then you came in contact with him principally and mainly in your business matters? A. Yes, sir; if he wants goods in my line he buys of me, and I furnish them to him.

Q. Do you know what bibb cocks hose was? A. Yes, sir; I suppose it was a piece of hose to connect on the bibb cocks—a piece of rubber hose.

Q. Do you know what the value of it was? A. No, sir; does it give any size to the hose?

Q. Bibb cock hose, three-quarter inch, fitted for iron pipe? A.

That is a bibb cock with an attachment on it of three-quarter hose; it doesn't mean hose; it means the attachment.

Q. Do you know what it is worth? A. I have no recollection now.

Q. You charged \$12 a dozen for it; that would be \$1 apiece? A. One dollar apiece.

Q. Do you consider that a fair price? A. Yes, sir.

Q. Do you think so now? A. Yes, sir.

Q. From your general knowledge of the market price? A. Yes, sir; I think so.

Q. Your successor, in bidding in 1892 and 1893, charged \$2 for the same thing; do you consider that a fair price? A. I wouldn't consider it a fair price for me, and it is not a fair market price; I couldn't answer for what prices he makes.

Q. What is that? A. I couldn't answer for what prices he makes.

Q. I didn't ask you to do that; I asked you to state whether it was a fair market price? A. I don't think it was; no, sir.

Q. Could they have been furnished at \$2 a dozen? A. I don't think they could have been purchased at that price.

Q. Were you a dealer in block tin? A. I purchased it.

Q. You purchased it? A. There are lots of things that we deal in that we do not carry in stock, but we purchase them.

Q. What was the value of block tin in 1891 and 1892, do you know? A. I don't remember, sir.

Q. What is that? A. I don't remember, sir.

Q. What is its value to-day? A. I couldn't say; I haven't bought any lately, and I couldn't tell you; it may be worth 20 cents a pound and may be worth 25 cents.

Q. Has the price of block tin varied in the last two or three years? A. Yes, sir; it has fluctuated some; yes, sir.

Q. What is that? A. It has fluctuated some; yes, sir.

Q. In 1890 and 1891 the successful bidder bid 23 cents a pound; do you know whether it fluctuated as much as 7 cents a pound in one year? A. It may have.

Q. Do you say it did? A. I wouldn't say it did or did not; I say it may have; I don't know.

Q. Were you a dealer in stop and waste cocks? A. The same as in the other cocks; I purchased those, sir.

Q. Do you know what the market value of those cocks was in 1891 and 1892? A. I have no recollection at the present time; no, sir.

Q. Do you know what their market value is to-day? A. I do not; no, sir.

Q. Do you know whether you furnished or supplied any for the institutions? A. I am under the impression, sir, that I did; I think I furnished on that schedule more or less of all the articles there—that I have at times furnished them; if there is any particular thing there that you would like to have me answer so that you would be absolutely right, if you will give me a memorandum of it; I will make it and let you know.

Q. No; I will want better than that; I will want to see your books before I get through with you, Mr. Hanna? A. All right, sir.

Q. Do you deal in bodies for gas burners? A. Yes, sir; I purchase them and I keep some in stock now.

Q. You do keep them in stock? A. Yes, sir.

Q. Do you know what their market value is to-day? A. I don't know.

Q. And yet you deal in them? A. They may be \$2 or \$3 a gross; they may be \$1.50.

Q. Somewhere between \$1.50 and \$3 a gross? A. Yes, sir; something like that; yes, sir.

Q. Is that the way you would make the price to anybody coming in to buy them? A. If anybody came in I would ascertain the price and make the price accordingly; it is utterly impossible for me to carry in my head the prices; you ask me questions in regard to these things and I can't remember all the prices on these different goods.

Q. Can you tell about how many goods you deal in? A. Thousands of articles, sir.

Q. Well, the ordinary grocer deals in thousands of articles and he knows the prices without looking at any list? A. I don't think an ordinary grocer would make a price list in that way.

Q. Do you know the American Grocery Company, formerly Thurber, Whyland & Co? A. Yes, sir; I know of them.

Q. Do you know how many articles they deal in? A. Tens of thousands I suppose.

Q. Do you mean to say there is no person in that store that knows the price of those articles? A. I don't think there is any one man that would know it; I don't think he would want to hazard the price on a certain article; he might approximate it.

Q. Well, can you approximate a price? A. I have said from \$1.50 to \$3 a gross.

Q. Do you call that approximating a price? A. That is a thing I am not handling every day, and I don't know actually what it was worth.

Q. You stated yesterday that you couldn't tell the prices of any articles without looking? A. I don't pretend to remember them; if you come in my store to buy goods I would have the article before me and would make the prices from them; but I wouldn't make the price off hand; it is not business.

Q. Were you a dealer in lava tips? A. Yes, sir.

Q. Do you deal in them now? A. Yes, sir, to a certain extent; we sell only a few of those goods.

Q. Do you know what their value is? A. They may be worth \$1 a gross; something like that.

Q. How much? A. They may be worth \$1 a gross.

Q. Do you know what they were worth in 1891 and 1892? A. I don't think there has been any change in those goods—somewheres about the same price at that time.

Q. You mentioned yesterday that you thought you furnished some sheet lead at a loss? A. Yes, sir; I think so.

Q. I notice an item, sheet lead, six pounds per foot; and sheet lead, eight pounds per foot; now which is worth the most? A. They both cost the same price.

Q. That is sold by the pound? A. Yes, sir; that is sold by the pound.

Q. And no matter how many pounds per foot they were worth about the same price? A. Yes, sir.

Q. How did you come to bid nine cents for the six pounds per foot and 2 cents for the eight pounds per foot? A. I thought probably they might use more of the one kind than they would of the other.

Q. Was that a clerical error or a speculation? A. You might call that a speculation.

Q. What made you think they might not use that size? A. I couldn't say; it may have occurred to me that they wouldn't; probably need many of the items may have been called for and may not, and those are the things I may have probably taken a chance on; that is all I can answer.

Q. Was there in your mind any particular reason? A. No, sir.

Q. Why you thought they wouldn't use this kind? A. It may have occurred to me that this was not the regular size I may have found out that the eight pound was the size that was not often used.

Q. Who did you find it out from? A. From the parties I purchased from.

Q. You did not find it out from anybody in the department? A. No, sir.

Q. Did you make any inquiries from any person in the department by quizzing them in order to find out, or asking questions in order to find out what might be used? A. No, sir; I knew nobody in the department in those years, in 1890 and 1891.

Q. You knew nobody? A. I went there a stranger in 1890 and 1891, or whenever I put in the bids there; I was not acquainted with anybody there as far as I remember now; I have no recollection of any acquaintance with anybody.

Q. Did you say you were a member of the Seymour Club? A. I think I joined that at one time; someone came and asked me if I would allow my name to go in and I did; I was never at a meeting of that club that I know of.

Q. Do you know who organized that club? A. I do not, no, sir.

Q. Did you know that Francis Nolan did? A. I did not, sir; I didn't know him except to pass the time of day; I don't think I spoke a dozen times to Mr. Nolan in his life.

Q. Do you know who it was that came to you to join the club? A. I have no recollection of that at the present time.

Q. Do you know when that was? A. That may have been five or six years ago, and may have been longer, sir.

Q. Where do you live? A. South Brooklyn, Seventeenth street.

Q. And where was the Seymour Club? A. Over in Williamsburgh.

Q. How did they come to ask you to join that Williamsburgh Club? A. It was a Democratic organization.

Q. You were not then a very prominent Democrat? A. I never have been a prominent Democrat.

Q. Are you acquainted with Mr. Shevlin? A. I know him and have been introduced to him and spoken to him; Mr. Shepard, you asked me?

Q. No; Mr. Shevlin? A. No, sir; I don't know as I would know him.

Q. Or Mr. Hugh McLaughlin? A. No, sir; I don't know him.

Q. Or Mr. Coffey? A. I wouldn't know him if I saw him come in here.

Q. Delmar? A. I have spoken to him; I have known him by living in South Brooklyn—merely to pass the time of day with him.

Q. Do you know Mr. Kerrigan? A. No, sir; I wouldn't know him if I saw him—none of the prominent men of Brooklyn; I had no acquaintance with them.

Q. I understood you to say yesterday that you are a Shepardite? A. I belong to that side now.

Q. Are you what might be called a shining light in that organization? A. No, sir; I am a lay member of it—talking a citizen's part in it.

Q. Was there any particular cause that lead you to Shepardism from Regularism? A. None that I know of, except at the election of Mr. Schieren I went over on that side.

Q. You were out for reform? A. I was out for reform; yes, sir.

Q. Now, while we are on that question of reform, do you recollect the item of water closets contained in the schedule of 1891 and 1892? A. Water closets?

Q. Yes, sir — Bartholemews? A. I have no particular recollection; no, sir.

Q. Were you a dealer in them, or did you purchase them? A. I purchased those, sir.

Q. You purchased them when ordered? A. When ordered; yes, sir.

Q. Do you know what they were worth? A. That I couldn't say, no sir.

Q. Have you no idea at all as to their value? A. No, sir.

Q. You can't even approximate what their value is? A. I couldn't tell you what their value was, I don't know.

Q. If I was to tell you what you bid could you tell whether that was a fair price? A. I don't know as I could, sir.

Q. Well, would you if you could? A. I think I would; yes, sir.

Q. In 1891 and 1892 you bid \$84 a dozen for Bartholomew water closets; was that a fair price do you think? A. I presume it was, sir.

Q. You don't know anything about it? A. No, sir; I don't know, sir; that I couldn't say.

Q. The successful bidder in 1892 and 1893 bid \$10 a dozen for the same thing; now, which was the fair price, do you know? A. I presume that my price at the time was a fair price for those goods; that is my judgment.

Q. Do you think they could be bought for \$10? A. What—\$10 a dozen?

Q. Ten dollars a dozen? A. I think not; no sir.

Q. Are you a dealer in bearing bars and grate bars? A. I purchased those; yes, sir.

Q. You are only a purchaser? A. Yes, sir.

Q. Do you know what their value is? A. Probably about 5 or 6 cents a pound—three or 4 cents.

Q. Was it about the same price in 1891 and 1892? A. About the same; yes, sir.

Q. How did you come to bid like this; single bearing bars, 1 cent a pound; double bearing bars, 2 cents a pound; arch plates, 2 cents; dead plates, 1 cent a pound; grate bars, 4 cents a pound; baker oven grates and frames $\frac{1}{4}$ of a cent a pound; and circular grate bars, assorted sizes, $\frac{1}{2}$ cent a pound? A. That I couldn't tell you.

Q. Were those all clerical errors? A. I couldn't answer you; I don't know how that was put on; it may have been another one of those chances—another one of those speculative bids, as you call it.

Q. Can't you tell anything about it? A. I have no recollection.

Q. Would your books show how much you paid? A. Yes, sir; I think so.

Q. That is, if you bought them? A. If they were ordered I bought them.

Q. And if they were not ordered you did not buy them and your books would not show? A. My books show no prices of goods not purchased.

Q. What is a burring machine? A. It is a machine, I believe, used by tinsmiths; a tinner could answer that question better than I.

Q. What is that, Mr. Hanna? A. It is a machine that tinner's use for doubling up tin in some way, I believe; a tinsmith would use them.

Q. Do you know what the market value of it is? A. No, sir; I do not.

Q. Have you any idea of what the market price is? A. I haven't, no, sir.

Q. Are you a dealer in sheet iron? A. I purchase it, yes, sir.

Q. You purchase it? A. Yes, sir.

Q. Do you know whether sheet iron, Russia, is of greater value than sheet iron, wrought? A. I couldn't say now; there may be a little difference in the price; what it is I can't say; there is probably a slight difference—a slight difference.

Q. Suppose you take these three items: sheet iron, Russia, clean, best quality; sheet iron, wrought, best quality, 13 by 16 inches; and iron, wrought, No. 12; what is the difference in the value of

those three as near as you can tell? A. May be a cent or two a pound.

Q. Can you tell how you bid 2 cents a pound for sheet iron, wrought, best quality, and 12 cents a pound for sheet iron, Russia?

A. I may have taken a chance again on that; I don't remember how it was.

Q. What was the value of that iron at that time? A. I think, probably, as I said, 8 or 10 cents a pound—6 cents as far as I can judge now; I can't tell exactly.

Q. There is a vast difference on an item purchased by the thousands of pounds whether it was worth 6, 8 or 10 cents? A. Yes, sir.

Q. Can you tell me whether it was 6, 8 or 10 cents? A. No, sir.

Q. Can you tell what it was worth to-day? A. No, sir; if I wanted to buy iron to-day I would have to go out and ask the prices.

Q. Do you know what galvanized iron, No. 24 BB, stands for? A. That BB is the quality.

Q. That is the quality? A. I think so; I think that is the quality.

Q. Is 24 BB worth as much as 26 BB? A. I think it is about the same price; BB, I think, gives it the quality, if I remember right.

Q. What are the names of the books that are kept by your firm? A. We keep a sales book, an invoice book, a ledger and a cash book, the same as all business houses keep.

Q. Is it double-entry bookkeeping or single entry? A. Single entry, I think it is.

Q. And have you in your firm the books from 1890 to 1894? A. I think so; yes, sir.

Q. Showing the invoices of all goods purchased? A. Yes, sir; I think so.

Q. And the prices paid? A. I think so; yes, sir; I think they are there.

Q. Will you permit, without having them brought into court, an examination of those invoices during those years? A. I think I

will; when do you want to see the books; some of those books may be stored away, you know—the different years—we would have to get them out for you; if you will let me know when you want to see them I don't think there will be any hesitancy in showing those.

Q. Have you also the delivery books showing the quantities of goods delivered to the various institutions? A. Yes, sir; I have got those.

Q. You have got those for those years? A. Yes, sir.

Q. When you deliver goods do you send by express or with your own trucks? A. Sometimes by express and sometimes by trucks.

Q. And when you deliver by express do you get receipts? A. I think so; generally we would send by express and a receipt accompanies the goods; when the goods went by truck sometimes there was a memorandum sent and kept there and returned to us later.

Q. When you sent by trucks were receipts given to you; did they receipt for it and bring back the receipt? A. At the storehouses they receipted for the goods.

Q. In a regular receipt book? A. No, sir; on a large piece of paper.

Q. On a printed form? A. Yes, sir; like a bill head.

Q. Have you got those receipts? A. Yes, sir.

Q. I would like you to get out your receipts, invoices, showing the goods delivered by you when you were a contractor with the department of charities and corrections between the years 1890 and 1894 and the goods purchased? A. What is it that you want, counselor?

Mr Hirsh.—The stenographer will read it to you.

(The stenographer read the last question to witness.)

Q. Not including 1894, you know — to the end of 1893? A. Receipts of goods delivered to 1894; invoices?

Q. Invoices of goods purchased, and the prices paid during the same time? A. All right, sir.

Mr. Hirsh.—That is all, Mr. Hanna; I will send over for them next week if that will suit you?

The Witness.—That will do; thank you.

William Murray, having been called as a witness, and duly sworn by Mr. Schulz, testified as follows:

Examined by Mr. Hirsh:

Q. Mr. Murray what is your business or employment? A. Superintendent of the almshouse, the Kings County Almshouse

Q. How long have you been superintendent of the almshouse? A. Since the 1st of February, 1868.

Q. About 27 years? A. Twenty-seven years; yes, sir.

Q. You have been there consecutively during that time during all the changes of commissioners? A. All but seven months.

Q. And when was that, Mr. Murray? A. That was in 1879 or 1880.

Q. Do you know when the almshouse building was built? A. Well, I know when the male almshouse was built; it was during my time; it was in 1869.

Q. That was a small building? A. Yes, sir.

Q. Now, there was a structure up there before that time — a small wooden structure? A. A small wooden structure, yes, sir.

Q. Do you know when it was built? A. No, sir; I don't know when it was built; I have heard it was built in 1831.

Q. What is that now used for? A. We call it the colored ward.

Q. For colored people? A. Yes, sir.

Q. That is a common, ordinary cheap building? A. Yes, sir.

Q. The male building which you say was put up in 1869 was a brick building? A. Yes, sir; a brick building.

Q. About how large? A. About 200 or 210 feet by 50 feet.

Q. There was nothing ornamental about it? A. No, sir.

Q. It is a plain brick building? A. Yes, sir; it is a plain brick building.

Q. Square? A. No, sir.

Q. There is nothing expensive about it? A. Nothing more than brick and mortar.

Q. Yes, sir; and wood? A. Yes, sir.

Q. Now, is there a female building, too? A. Yes, sir.

Q. When was that put up; do you know? A. That was put up I think in 1845 or 1847, I believe; I have heard so; of course I don't know.

Q. Was there any other brick building erected in 1840, do you know? A. It was in 1845 or 1847; I don't know which.

Q. Wasn't there a building erected in 1840 which was subsequently burned? A. That was subsequently burned—that was the same building.

Q. How large was that building? A. And then there was two fire escapes put to it.

Q. How large was that building? A. About 250 feet by 50.

Q. Is that at all ornamental, or plain? A. It is plain.

Q. A plain brick building? A. Yes, sir.

Q. Nothing but brick and wood? A. Dormers on it, that is all.

Q. And iron fire escapes? A. Yes, sir.

Q. How many stories are those buildings — the male and female almshouse? A. Three stories with a basement.

Q. And a basement? A. Yes, sir.

Q. The basement is under the ground? A. Yes, sir; below the surface about three feet.

Q. Do you know how much that building cost that was erected in 1869, or did you hear? A. I have heard that it cost \$110,000.

Q. One hundred and ten thousand dollars? A. I have heard so; yes, sir.

Q. From your knowledge of buildings and your experience in life, do you suppose that building could now be erected for the same or less, or a greater price? A. At the present day?

Q. Yes, sir? A. Well, I suppose it could be built for probably less money to-day.

Q. For less money? A. But at that time — a little after the war — I guess material and labor was dearer than what it is now.

Q. And at that time gold was also at a premium? A. I believe so; I don't know much about that.

Q. In your opinion what are those two buildings worth, the male and female almshouses, to-day, the old buildings? A. Well, now, I couldn't tell you.

Q. Are they worth \$110,000 to-day, as they stand? A. Well, I think they are very nearly that

Q. Very nearly that? A. Yes, sir.

Q. About that? A. Yes, sir; about that.

Q. Well, now, do you remember by whom the repairs in the inside of these buildings have been made since 1890, or within the last six or seven years? A. Well, the ordinary repairs have been made by myself or by my direction by the inmates.

Q. By the inmates? A. Yes, sir; a great deal of it; of course there was a fair share to be done on the roof or wall and so forth that I couldn't get done in that way, and the mechanics under the supervision of Chief Engineer McCanna, they done that part.

Q. But the ordinary indoors repairs that could be done were done by the inmates under your disposal? A. Yes, sir.

Q. If there was outside painting to be done, was that done by the inmates? A. They couldn't very well go up two or three stories high—not with safety to themselves.

Q. But on the inside if there was painting done it was done by the inmates? A. Yes, sir.

Q. It was? A. Yes, sir.

Q. And carpenter work was done by the inmates? A. Some of it.

Q. On the inside? A. Yes, sir.

Q. The mason work on the inside was done by the inmates? A. Yes, sir; some of it—when there was any masons there that could be used.

Q. If there was patching up to be done that was done by the inmates? A. Not always; I didn't have them there that was capable of doing it; consequently we have had to get a plasterer or a mason to do that part of the work.

Q. Now, if you needed outside help who did you get? A. I reported to the chief engineer and asked him to have certain work done and he done it.

Q. I can't hear you, Mr. Murray. A. I got it from the chief engineer; I reported that to him.

Q. And he would send you what? A. He sent the person there to do the work, and superintended that himself.

Q. Now, did he send you one man or two men or a dozen men? A. I don't know that he sent me anybody at all, because they were under his immediate supervision; I asked him to have such repairs done in such a place and he directed the men to go there and have it done.

Q. Suppose there was a time when you needed plastering done, you reported to McCanna? A. Yes, sir.

Q. And what did he do? A. He sent a plasterer as soon as he could conveniently.

Q. Did he come with him himself? A. No, sir; he sent him there and had the plastering done.

Q. Did he send one or two or a dozen? A. In some cases he sent one.

Q. Did he ever send more than two? A. Not that I know of; I don't recollect that he did.

Q. Was the character of the repairs of the almshouse such that a large number of employes were necessary or required? A. They sometimes took down the whole ceiling.

Q. A whole ceiling? A. Yes, sir; and they would have to put it up again as soon as possible.

Q. Do you know when that was? A. Well, I think it was within a year—or about a year ago now.

Q. That would be about August, 1894? A. Somewheres along that time I think.

Q. But before that time, say between the 1st of January, 1890, and the last day of December, 1893, do you recollect any very large repairs made in the almshouse? A. No, sir; I have no recollection of any very large repairs made in the almshouse.

Q. Your memory is pretty good, Mr. Murray? A. Yes, sir; pretty good; I recollect seeing the painters to work on the roof; one time there was some of the tin lifted off the northwest end of the male almshouse—the tin raised off—and they had quite a job doing that.

Q. How many were to work on that job? A. I don't know how many; probably three or four.

Q. Two or three? A. Two or three tinsmiths.

Q. Two or three tinsmiths for how long? A. That I couldn't tell you.

Q. About a week? A. Maybe a week, ten days or two weeks.

Q. But that two weeks would have been as long as they were there; that was the longest; and three men would have been the most on that job, as I recollect you? A. I don't know as there were any more than that.

Q. When you speak of a job of that kind do you mention that within the time I have asked you, from 1890 to 1894, as about as large a job as was done in that time? A. I recollect the tinsmiths at work on the roof on the female almshouse; that is about 250 feet by 50.

Q. When was that done? A. About a year or two ago.

Q. A year ago? A. I think so.

Q. I am directing your attention, Mr. Murray, particularly to the years between 1890 and 1893? A. Well, I am not positive as to dates, because I had no interest in keeping the dates of these things at all; because I had no control over that business.

Q. Were there any mechanics attached to your department at all? A. No, sir; none at all.

Q. None at all? A. No, sir.

Q. Whatever mechanics you required you went to the chief engineer for? A. Yes, sir.

Q. Who were the employes attached to that department in addition to yourself? A. Who are they?

Q. Who were they during those years from 1890 to 1893? A. Myself and the steward.

Q. What was his name? A. William Davidson; and there was a matron; Mrs. Quay; Mrs. McKiernan—

Q. Have you named them all? A. There was Mrs. McKiernan; James Burke was one.

Q. Have you named them all now? A. And Mrs. McGuire.

Q. Go right ahead and name them? A. There was, I think, Anna McGinty; there was not over 5 or 6; all we had anyhow.

Q. You say there was yourself and Davidson; was Farrell there? A. Yes, sir; he was the cook in the county kitchen in the shop.

Q. Who was Anna C. Hayden? A. She was matron at that time.

Q. And Mary E. Kelly? A. Mary E. Kelly, she was the matron at the nursery.

Q. And who was Ellen Farrell? A. Ellen Farrell, she was a cook.

Q. All these that I have named were there in the same department with yourself in 1890, weren't they? A. Yes, sir.

Q. And how long did they stay there? A. Well, I can't tell exactly how long they stayed there.

Q. Are any of them there now? A. Yes, sir.

Q. Who of them is there now? A. Farrell is there now.

Q. And his wife? A. No, sir.

Q. Who else is there? A. That is all that is there now from that time.

Q. Is Mrs. Quay there now as the matron? A. No, sir; she was transferred.

Q. She was there in 1891? A. She was transferred to the penitentiary here now about two months ago, I believe.

Q. Who is Anna McGinty? A. Anna McGinty, she is the one that waited on the people; she was the waitress.

Q. On what people? A. On the regular mechanics' table and my own.

Q. Do the regular mechanics at the Flatbush institution dine at your table? A. Yes, sir.

Q. Was that always the case? A. Always.

Q. How many of them dine there now? A. Of the mechanics?

Q. Yes, sir. A. I don't know how many mechanics there are; there are probably 30 or 35 employes all told—male and female and all.

Q. That includes mechanics? A. Yes, sir; that includes mechanics.

Q. That is the case now? A. Yes, sir.

Q. So your table for the employes includes about 35 people? A. Thirty-five or 36 people; I think that is all.

Q. Was it ever more than that? A. Yes, sir.

Q. How much more? A. Well, practically three times more.

Q. When was that, Mr. Murray? A. I think that was along 1892 and 1893—and 1891, I guess.

Q. Eighteen hundred and ninety-one, 1892 and 1893? A. Yes, sir.

Q. And you have got the same room now that you had at that time in which you feed them? A. Yes, sir.

Q. And then you had 100 or more feeding in your house you had to set the table several times? A. Yes, sir.

Q. And do you know how it came about that there were so many mechanics there? A. I don't know; no sir; I have never been notified of a mechanic being employed at all.

Q. Do you know whether those mechanics that dined at your table, 100 or more of them, really did any work in any of the departments? A. I suppose they did; that is all; I had no means of knowing.

Q. Did you ever see them work? A. Yes, sir; some of them.

Q. You saw some of them work? A. Yes, sir.

Q. Was there a sudden increase of mechanics that you had to feed; was the increase a sudden one? A. No, sir; it came on gradually.

Q. How gradually, Mr. Murray? A. I can't tell you how long it took; they came there some times one or two or three and so forth.

Q. They increased day by day? A. They increased.

Q. Yes; they increased soon after the new administration took charge in 1890, did they not—soon after Nolan, Gott and Murphy came in? A. Yes, sir; soon after that.

Q. About the spring of that year? A. About spring or summer of that year.

Q. Do you recollect while Ray and Hynes were in the department how many employes you used to feed — about the same as now?

A. About the same as now, and before that not quite so many; for some reason or another Commissioners Ray and Hynes had transferred the employes of the asylum, and the Asylum for Insane Incurables, and also from the hospital, to the almshouse; I don't know why it was, but of course they transferred them; of course that time it made some little inconvenience to have the mechanics from the other buildings to the almshouse, but it was only for a few days and we finally got along easy enough after a little while.

Q. When they made that transfer — after the transfer, was it about the same as now? A. Yes, sir; after the transfer it was about the same as now.

Q. But before that transfer was made it was much less? A. That is it, exactly.

Q. But between those times, between the administrations of Ray and Hynes and Henry and Simis and Burtiss, the number of mechanics increased more than three times? A. Yes, sir; about three times, I should judge.

Q. Do you know whether there was three times as much work done on the institutions at that time? A. No, sir; I couldn't tell you.

Q. Mr. McCanna has made a report to me, showing how much work was done on the various buildings, and among other things he reports that \$98,458.61 was expended on interior repairs on the buildings under your charge for the years 1890 to 1893 — interior repairs, including material and mechanics' services; do you know whether any such thing occurred? A. I don't, sir.

Q. That would be about \$24,000 or \$25,000 a year; now, you were there all the time; you know what work was done; do you say that amount of work was done there, Mr. Murray? A. No, sir; I can't say that that amount of work was done; I don't see where it is.

Q. You can't tell where it was, can you? A. No, sir.

Q. Do you recollect actually what work was done during those years? A. They tore out the roof, and painting and repairing; I know one floor was laid in the male alms-house; it must be about 2,000 or 2,500 feet, I should judge; a floor was laid, and that was

laid by the mechanics; that is the only part of the floor that was laid at that time.

Q. And the new ceiling, that was done about a year ago? A. Yes, sir; that was in the baby's ward — in the nursery.

Q. And the other repairs were small repairs that were done by the inmates? A. Yes, sir; the other repairs were small repairs that were done by the inmates; there was one ceiling pulled down altogether and ceiling boards put up in the place.

Q. That was a year ago? A. Yes, sir; that was a year ago.

Q. Were these brick buildings of the almshouse ever painted on the outside completely? A. Yes, sir.

Q. When? A. Two or three years ago.

Q. Two or three years ago? A. Yes, sir.

Q. By mechanics? A. Yes, sir.

Q. Or were they painted by the inmates? A. No, sir.

Q. Not at all? A. No, sir; not at all.

Q. Do you know how long it took them to paint the buildings? A. I don't.

Q. About how long — give me your best recollection? A. Well, I suppose they might be five or six months at it; I can't tell you.

Q. Five or six months? A. Yes, sir.

Q. At painting two brick buildings? A. Yes, sir; they would be very large buildings.

Q. And how many painters did they have doing it? A. They might have had three or four painters to do the buildings.

Q. Three or four painters to a building? A. Yes, sir; the male almshouse is about 200 feet by 50, and the female almshouse is 250 feet by 50.

Q. Was that the longest job that you recollect having been done there by mechanics during those years? A. Yes, sir; I think that is the longest; and the nursery, also, must be certainly about 150 feet long, and then there is an "L" to it of certainly about 100 feet.

Q. When was the nursery painted? A. At that time too.

Q. All the buildings were painted at that time? A. At that time; yes, sir.

Q. And you think it took five or six months with three or four painters on each building? A. No, sir; there was only three or four painters altogether.

Q. Three or four altogether? A. Yes, sir.

Q. And those painters were sent there by Mr. McCanna? A. Yes, sir.

Q. Have you any idea how much paint it took? A. I haven't the remotest idea.

Q. Did you have charge up to 1890 of the transportation? A. The transportation; yes, sir.

Q. And was there any change made in that after that time? A. up to 1890; yes, sir; there was a change made then, of course; it was transferred to other hands; that part of the business.

Q. I can't hear you, Mr. Murray. A. At that time it was transferred to other hands.

Q. To other people? A. Yes, sir.

Q. Well, who were they? A. I think it was Mr. Warbasse.

Q. What was the first notice that you had of it that there was to be a change made? A. When the president of the board, Commissioner Gott, came to me and told me he was about to make a change, and he brought me down to where Mr. Warbasse was and told me in his presence, and he said "Now, I am going to transfer the transportation department to Mr. Warbasse; he shall have charge of all there is outside of this gate" — the gate is at the inclosure going into the almshouse.

Q. Warbasse was to have charge of everything outside of the gates? A. Yes, sir; the rolling stock, the farm, the garden and the vegetables — "And you will furnish him whatever help he requires from your men inside there."

Q. From the institutions? A. Yes, sir; "And also, Mr. McCanna," he says "he will require help from him occasionally to do excavations and building and so forth, and when he calls on you you will furnish him with the help that he requires," which, of course, I did to the best of my ability.

Q. Up to that time and for all the years that you had been in the

department the transportation had been under your immediate charge? A. Yes, sir.

Q. And since the change made from Gott's administration to Henry and Simis you again have had charge of the transportation?

A. Yes, sir; they transferred it back to me again.

Q. Now, you say the garden and farm and the vegetable department was also transferred to Warbasse? A. Yes, sir.

Q. What became of all the vegetables that were raised there? A. They were used.

Q. Well, do you know? A. I don't know; they were used.

Q. Used by whom? A. All that was raised.

Q. For whom? A. Well, used for the almshouse and the hospital.

Q. While Warbasse had charge? A. While Warbasse had charge—the asylum for the insane incurables.

Q. Do you know whether the amount raised by Warbasse was sufficient, or did you have to buy additional? A. We had to buy in the almshouse; yes, sir.

Q. Before that department was transferred to Warbasse did you have enough vegetables for the almshouse? A. Yes, sir; we used to manage to get enough.

Q. And since it has been retransferred to you have you raised enough for the almshouse? A. There has been enough for the last year, which you will see by my report; onions is the only vegetable extra that is called for, and potatoes; of course, there is not room enough for them.

Q. But of other vegetables you have raised sufficient? A. We have an abundance—we have now.

Q. Did you have them in abundance when Warbasse had charge? A. That I can't say; I think we had to call for them; I think the requisitions will show that.

Q. What is that, Mr. Murray? A. I say I think the requisitions will show that.

Q. Well, I want your recollection now? A. That is as near as I can get to it.

Q. Do you know whether Warbasse sent any of the vegetables

raised there to any other person — sent them away? A. No, sir; I don't know.

Q. Who was his driver there; a man named Thompson? A. That was an assistant.

Q. He was an assistant to whom? A. To Mr. Warbasse.

Q. He was the assistant transportation superintendent? A. Yes, sir.

Q. And did he not drive a wagon? A. Yes, sir; sometimes.

Q. Did you ever see whether there were barrels or packages driven away from there? A. No, sir.

Q. You never saw that? A. No, sir.

Q. Your duties called you on the inside mostly? A. Yes, sir; I had no connection with that.

Q. As soon as the orders came to you to transfer those matters over to Warbasse you transferred them and took no notice of them until they were retransferred to you? A. That is all; counselor, if you please, will you allow me to correct a mistake, if it be one, or to qualify a statement I have made in relation to the painting; at the time the building was being painted they painted on the inside of the room that I slept in myself, one room opposite to it and four rooms upstairs; they were done then by the mechanics that worked on the building.

Q. In addition to the paintings on the buildings? A. Yes, sir; in addition to the paintings on the buildings.

Q. They were painted? A. Yes, sir; they were painted by the employed mechanics—six small rooms.

Q. Now, at the time you conducted the transportation department, did you have any help or assistance? A. No, sir; none at all.

Q. Only the inmates? A. Only what you will see on the paper.

Q. Before this was taken away from you did you have any assistants in that department? A. Not any; of course, there was a man who drove the van that went to the commissioner's office every day; Mr. Cummings—Christopher Cummings.

Q. What about him? A. He was in the employ of the commission.

Q. And he drove for you at the same time? A. Yes, sir.

Q. And the other assistants that you had were inmates of the almshouse? A. The other assistants that I had were inmates of the almshouse.

Q. When it was transferred over to Warbasse what did that transportation department then have for assistants? A. Well, there was—

Q. Warbasse was the superintendent? A. Warbasse was the superintendent.

Q. And Thompson was the assistant? A. Yes, sir.

Q. And who else; did he not have Swartwout? A. Swartwout came later on; and then also he had Chris Cummings under his charge; and he had Patrick Grogan, William McCaffrey, Peter Cullen, James Larkin, James Connors, Francis Ryan, Samuel Stevens, Patrick Diviney—they belonged there.

Q. They belonged to that department as drivers and stablemen? A. Yes, sir.

Q. Now, are any of them in your employ now? A. All those same ones that I gave you the names of are in my employ now.

Q. As drivers and stablemen? A. Yes, sir.

Q. But Warbasse and Thompson are no longer there? A. No, sir.

Q. There is no need for any superintendent or assistant superintendent—you attend to that yourself? A. Yes, sir.

Q. Do you know Patrick McCanna's signature—his handwriting? A. I do.

Q. Just look at this paper and state whether that first sheet is signed by him.

(Counsel presents paper to witness.)

A. Yes, sir; I believe that is his signature.

Mr. Hirsh.—I offer that in evidence and I would like to have it marked.

(The paper referred to by counsel was here marked by the stenographer Exhibit "S.")

Q. Do you remember a new stone shed having been erected for breaking stone at the almshouse? A. Yes, sir; I do.

Q. Do you know when that was erected? A. I think it was erected about three years ago.

Q. In what year? A. I think three years ago.

Q. A year ago? A. Three years ago—in 1892 I think it was.

Q. Do you recollect the piazza at the female alms-house that was torn down and a new one built? A. I recollect the piazza was part of it taken down and repaired.

Q. Do you know who did work on that? A. Well, the mechanics.

Q. Do you know Altenbrand the carpenter? A. Yes, sir.

Q. Did he work on that? A. Yes, sir.

Q. Mr. McCanna reports that the roofs of both the male and female buildings between January and July, 1890, were thoroughly repaired and painted and the interior of those roofs overhauled and painted throughout; do you recollect any such work? A. Yes, sir; I recollect it.

Q. And do you recollect how long it took them? A. I do not.

Q. Well, do you know how long it took them to overhaul the interior of these buildings — what they did? A. I do not, sir.

Q. If they did a great deal of work you would know something about it, wouldn't you? A. No, sir.

Q. Why not? A. I had enough work of my own to attend to without looking after the mechanics; I had no jurisdiction over them whatever.

Q. But you had jurisdiction over the almshouse? A. Yes, sir.

Q. You had absolute jurisdiction there? A. Yes, sir.

Q. And you would know if the whole building had been overhauled — you would know that? A. I know they were painted at that time.

Q. I am asking you, Mr. Murray, whether the almshouse buildings were overhauled — completely overhauled? A. Overhauled in that direction, they were; yes, sir.

Q. In what direction? A. In the direction of painting.

Q. I am speaking of the labor? A. I couldn't tell you.

Q. Why can't you tell me? A. I have no authority over that.

Q. Over what? A. I have charge of 1,500, or 1,200 or 1,400 peo-

ple, and that would keep me pretty busy and give me enough to do without looking after the mechanics.

Q. I didn't ask you about looking after the mechanics? A. I know you didn't.

Q. I asked you whether you saw McCanna and his mechanics overhauling the buildings? A. I did, sir.

Q. And what did they do? A. They painted them.

Q. Did they do anything else? A. They had the tin roofs repaired, as I told you before.

Q. That is all they did? A. I don't know of anything else.

Q. You were there and you would have seen if they employed a large force of mechanics? A. Yes, sir.

Q. How many mechanics did they employ for the painting and the tinning of the roof at that time? A. I can't tell you that, about three or four, or half a dozen may be.

Q. And this is what you referred to before when you said they were painting the buildings? A. Yes, sir.

Q. And this is what you referred to before when you said they had tinsmiths on the roofs? A. Yes, sir.

Q. Do you remember what kind of a shed this was that was erected for stone? A. Yes, sir; I remember it well; the same shed is there yet.

Q. How much of a shed was it? A. Well, it was a shed that would hold 40 or 50 people breaking stones.

Q. Forty or 50 feet long? A. Yes, sir; probably 80 or 100.

Q. Simply with posts? A. Yes, sir.

Q. And wood on top? A. Yes, sir; on top; yes, sir.

Q. Do you know how long it took to put that shed up? A. No, sir; I do not.

Q. Do you know how many men they had at work putting it up? A. I do not, sir.

Q. Do you recollect that putting up of a new drying-room connected with the house? A. That was some time ago; yes, sir; I do.

Q. Along about 1891? A. Along about 1891; about that time.

Q. How many men were employed in putting up that, do you know? A. I don't know.

Q. Was it much of a job? A. No, sir.

Q. Do you know how long they were doing it? A. It was a small drying room, hardly sufficient.

Q. Hardly sufficient for what? A. For the purposes it was used for.

Q. Was there an improved heating system put in the almshouse? A. That part of it was improved for the reason that we had none then.

Q. There was no heating system in the wash-room at that time? A. No, sir; there was not.

Q. Was there also a new range put in? A. There was a new range put in —

Q. In the almshouse? A. There was a new range put in the county kitchen; that was the last one that was put in.

Q. In the county kitchen? A. Yes, sir.

Q. Not in the wash-house? A. Not in the wash-house, that I know of; there might — an ironing stove — have gone in the wash-house.

Q. Well, it may have been an ironing range? A. Probably, if they call it by that name.

Q. This work was all done by mechanics? A. Yes, sir.

Q. And not by inmates? A. Yes, sir.

Q. Did the inmates always assist at this work? A. The inmates always assisted at any work there was to do; I don't know whether they did at that particular work; I don't think they would be useful at it.

Q. Do you remember that the plumbing was overhauled in the year 1891 and 1892? A. In the almshouse?

Q. Yes sir. A. No, sir; I have no recollection of it being overhauled.

Q. Were there any improvements made in the plumbing in those years or in any years? A. There was a regular amount of plumbing work done; there is more or less of it all the time.

Q. Mr. McCanna reports that the plumbing was overhauled and the improvements made were necessary, and that the labor for the year, from August, 1891, to July, 1892, amounted to \$11,877, and

that the material used during that same time amounted to \$5,701.29 on that almshouse alone; do you know anything about that? A. No, sir; I have no recollection of it.

Q. Well, Mr. Murray, you would be likely to recollect such a large expenditure if it had been made? A. The material and labor — there is quite a difference there.

Q. Well, either one or the other, or both — you would be likely to remember such large items if they had taken place, if they had been used? A. Yes, sir.

Q. Have you any idea, or can you form any idea, Mr. Murray, what the labor and material for any year amounted to in the almshouse? A. No, sir.

Q. What the value of it was? A. No, sir; I have not.

Q. Now, in 1892 and 1893 do you recollect that new washtubs were put in? A. New washtubs; yes, sir.

Q. And that was the time the new floor was laid, the cement floor? A. Yes, sir; the new floor was laid in the wash-house.

Q. Was there any general repairs to the male and female buildings that same year? A. No, sir; I have no recollection of anything unless it was in the case of a blow, which is the case there almost every year.

Q. A little jobbing done? A. More or less jobbing; yes, sir.

Q. But not to amount to anything? A. Not to amount to anything.

Q. Do you remember the new iron fence that was put up, with locust posts? A. Yes, sir.

Q. That was about a mile long, and put all around the buildings? A. It is not quite a mile.

Q. Not quite a mile? A. No, sir; not quite a mile.

Q. Well, it was a long fence? A. Yes, sir; it was a long fence.

Q. In front of all the institutions does it run? A. Yes, sir.

Q. Do you know how many men were at work at that fence, painting it? A. I do not.

Q. Did you ever see them paint it? A. I saw them paint it, but I don't know how many men there were.

Q. You know how long it took them to paint it? A. I do not.

Q. Who is in charge of Potter's field? A. I am.

Q. Well, you do not go there very often, yourself? A. Yes, sir; I go backward and forward occasionally.

Q. Is there anybody else that is in charge there under you? A. Yes, sir.

Q. Who? A. The inmates of the institutions.

Q. Well, the garden of the almshouse in which vegetables are raised, does not go as far as Potter's field, does it? A. No, sir; that belongs to the insane asylum.

Q. Potter's field does? A. Yes, sir.

Q. But you are not in charge of the insane asylum? A. No, sir.

Q. What do you mean by saying that belongs to the insane asylum? A. The grounds there are used for raising vegetables for the inmates of the insane asylum.

Q. The grounds around Potter's Field? A. Yes, sir; there may be about 12 acres.

Q. Does the place where these vegetables are raised run on Potter's Field? A. No, sir; Potter's Field is cut off from the place.

Q. It is cut off from the place where they are raised? A. Yes, sir.

Q. But they are raised close up to the place? A. Within a little distance of it.

Q. Is Potter's Field fenced in? A. Yes, sir; the whole farm is fenced in.

Q. But is Potter's Field, where the paupers are buried, fenced in for itself? A. Yes, sir; it is fenced in for itself, but it is not fenced in between the insane asylum grounds and the Potter's Field.

Q. So that the place where they raise vegetables is divided off how? A. Well, by a respectable distance from where the interments are made.

Q. From where the pauper's are buried? A. Yes, sir.

Q. Do you know about that distance? A. No, sir.

Q. Is there a particular plot of ground that is set apart for the place where these interments are made? A. Yes, sir; it is the extreme end of the county farm — the east end.

Q. And about how large a plot is it? A. There are five or six acres in it.

Q. A great many people are buried there? A. There must be a great many buried there.

Q. And is there a constant encroachment — the grounds where burials are made is constantly increasing in size? A. Yes, sir.

Q. So that this ground where the burials are made is constantly growing nearer and nearer to the place where these vegetables are raised? A. Yes, sir.

Q. Who is in charge of the insane asylum and this part of the farm where the vegetables are raised? A. It is in charge of the insane asylum — Doctor Sylvester.

Q. Doctor Sylvester? A. Yes, sir.

Q. Do you recollect when the new fire escape was put on the colored ward? A. About this time a year ago, I think it was.

Q. A year ago or two years ago? A. It may be two years ago. I recollect when it was put on, but I don't recollect just exactly the date or time.

Q. It was about August, 1893? A. It was about August, 1893.

Q. Just two years ago? A. Yes, sir.

Q. Was there also a new church or chapel erected on the almshouse grounds? A. Yes, sir.

Q. Do you know when that was constructed? A. It was finished along about December, or probably January, 1894.

Q. How long were they at work at that—five or six months? A. They were not a great while to work at it. I think they commenced that some time in August, or may be September.

Q. And finished it in January? A. Yes, sir; finished it in January.

Q. That would be five or six months? A. I think they had the first service there about New Year's.

Q. Do you know how many men were at work at that? A. I do not.

Q. About how many? A. May be 10 or a dozen.

Q. All together? A. There were three or four brick layers laying the foundations and then the carpenters came along. Now, I don't know how many of them there were.

Q. Tinsmiths and carpenters? A. Yes, sir.

Q. Did you see any masons at work at it? A. I saw the masons laying the foundation.

Q. Did you see any masons at work there after the foundation was laid? A. No, sir. I don't know that I did.

Q. How many masons or brick layers were at work there when they laid the foundation — two or three — three or four? A. Three or four, I think. I am not certain.

Q. And how many carpenters, do you know? A. I don't know that neither. I went out there occasionally and just passed by, and looked at them putting it up — may have stayed a few minutes—but I never counted the number of mechanics that was there or interested myself in that way. I didn't do that.

Q. Now, besides the fire escape and the new chapel, were there any other great repairs or improvements made to the almshouse buildings during that time, from August to December, 1893, that you remember? A. No, sir; not that I remember.

Q. Does it seem possible to you, Mr. Murray, that the amount of money that I have mentioned to you could have been spent at the almshouse during those four years? A. Well, hardly from the amount of improvements that was made.

Q. What is that? A. Hardly from the amount of improvements that was made.

Q. Ninety-four thousand four hundred and fifty-eight dollars and sixty-one cents. How would you know that these very many mechanics that you fed were mechanics employed there? A. I had no means of knowing unless I went along and seen them at work I never got no notice of a mechanic being employed at all.

Q. So that anybody that was around the institutions could come in to your table and eat there? A. Yes, sir.

Q. Nobody sent you any word? A. Nobody.

Q. And as long as a man had a pair of overalls on you fed him?

A. That was my duty.

Q. Breakfast and dinner? A. Yes, sir.

Q. He was fed at the county expense? A. Yes, sir.

Q. Did you ever complain to President Gott that you could not accommodate all these men that he sent there? A. Yes, sir; I remember that. I recollect on one occasion I told him that there was over 100 people boarding there now, and that there was room for only 30 to sit down.

Q. Room for 30 to sit down? A. For 30 to sit down at one time — comfortably seated, and then that we had to change the tables for them. I asked him if it would not be good judgment to send them back to the institutions where they originally came from, and he said that at the other buildings they had a decided objection to it and we would have to do the best we could as we were. So that ended it. I never said no more after that.

Q. Did you have to employ an extra waitress for the purpose of waiting on them? A. Yes, sir.

Q. And that was also at the county expense? A. Yes, sir; that was at the county expense.

Q. Do you know Leonard Tracey? A. Yes, sir.

Q. Did you see him at work there painting? A. I did, sir.

Q. With a big brush in his hand? A. I don't know as it was a big one or a small one.

Q. What was he painting when you saw him? A. He was painting the south side of the nursery, or the baby ward as you might call it.

Q. He had a big surface to paint? A. Yes, sir.

Q. There were others painting with him? A. Yes, sir. There were others painting with him.

Q. Did you ever see him on any other job but that? A. Well, I don't know that I did. I never paid any attention.

Q. How often did you see him painting this nursery? How

often did you see him at work on it — how many days? A. I don't know exactly how many days. I saw him probably two or three different times there, more particularly on that part of it because it brought him right under the office. I was right over it. I had a good opportunity of seeing him.

Q. How many times during the administration of Gott, Nolan and Murphy did you see Leonard Tracey there? A. I saw him there a good many times.

Q. About how many times, Mr. Murphy? A. I couldn't say that. I seen him there. He was pretty regular to his meals.

Q. You say he was pretty regular to his meals? A. Yes, sir; just the same as the other men.

Q. He was there at dinner time? A. Yes, sir.

Q. Do you know how long that continued? A. I do not.

Q. Do you know whether it continued a year or two? A. Well, it might have been that long or it might have been longer than that.

Q. Would you say it was longer than two years or less? A. I couldn't say at all; no, sir.

Q. Did you ever see him at work on any other job during that time than the nursery that you can recollect now? A. I don't know that I did.

Q. Do you say that Leonard Tracey during this time — that you recollect him coming regularly to meals every day? A. Yes, sir.

Q. You didn't take particular notice of him? A. Not particularly of him more than any other. I thought he came about as regular as any other man.

Q. He might have stayed away for three or four weeks at a time and you not miss him? A. I wouldn't miss him — not at all.

Q. No. The other buildings at Flatbush received more attention from department mechanics than yours? A. Yes, sir. They required more.

Q. Yours required comparatively little? A. Comparatively; yes, sir. The elements are different, you know. For instance, they are a destructive element in the asylum.

Q. And besides the making of the little repairs was done by the inmates? A. A good many of them ; yes, sir.

Q. Besides hiring the extra waitress, did you also have to hire an extra cook when the large number of mechanics came there? A. Yes, sir.

Q. Of course this extra help and the great number of mechanics that were fed there increased the per capita tax of the institution? A. No doubt ; yes, sir.

Q. In your opinion was there any necessity for taking the transportation from your charge? A. I don't know that there was at that time. I had no knowledge of it being taken away up to the very time that it happened.

Q. You could have attended to the duties during those four years just as well as you attended to it before and as well as you are now attending to it? A. Yes, sir. I heard no objections up to that time and didn't know as there was any.

Q. Does it interfere with your other duties devolving upon you, or is it in fact a help? A. In fact I might say it is a help.

Q. It is a help to you? A. Yes, sir.

Q. Your building is heated from the boiler-house? A. Yes, sir.

Q. Where is that boiler-house situated? A. It is situated on the north—that is, it is between the—where the female almshouse runs north and south, and then it is between the female and the male almshouse, at the north end of the female almshouse, and between both.

Q. Well, is it under your charge? A. No, sir.

Q. Who is in charge of that? A. The chief engineer.

Q. Were there any times, when there was heat necessary, that you couldn't get any heat in the almshouse? A. Well, there might be a break down or something at some time.

Q. When there was not any break down? A. We always got the heat pretty regularly.

Q. There was no difficulty about that? A. We have never complained of it in that direction at all.

Q. And that has been so during all of the years? A. During all the years; yes, sir. We have had very little to complain of.

Q. Do you know Patrick Shevlin? A. Yes, sir.

Q. Do you know James Shevlin, too? A. I do.

Q. Well, is Patrick any relation to James? A. I believe he is a brother.

Q. Is Patrick on the pay-roll there? A. Yes, sir, he is engineer there.

Q. Engineer in this boiler-house? A. Yes, sir, he is under Mr. McCanna.

Q. Did he ever do any repairing around your buildings? A. Once and a while when a pipe gets loose and leaks or something of that kind I see him running around pretty lively—he does small repairs—jobs of that kind.

Q. Was he very regular in his attendance, do you know? A. He is quite regular—yes, sir, so far as I know.

Q. He frequently goes away on a spree and stays away for a few days? A. I don't know that he goes away on a spree.

Q. Well, does he stay there on a spree? A. No, sir.

Q. You have seen him intoxicated, have you not, Mr. Murray? A. I have not.

Q. I asked you whether you saw him, Shevlin, intoxicated—not you? A. And I have not.

Q. You have not seen him intoxicated? A. No, sir.

Q. Do you know whether he drinks? A. Well, I think he takes a glass of beer when he wants it just like anybody else.

Q. Have you known him to be intoxicated if you haven't seen it? A. No, sir. I couldn't know of it otherwise.

Q. You have not been told of it by anybody? A. Oh, there are people up there who will tell you almost anything.

Q. Do you recollect a beating that Shevlin gave a cripple in the almshouse? A. Well, I do recollect it. I recollect it was investigated before the commissioners of charities and corrections. I

think Commissioner Simis had the case investigated and there was not anything into it at all. There was a little quarrel, I think, between him and this man. Shevlin ordered him to go out and he wouldn't go out and insisted he had some right there, and I suppose they came to hot words in that way, and Shevlin went to put him out and in the act of doing so the man fell down, and I guess Mr. Shevlin fell down too, probably. I think that was the way it was.

Q. The cripple fell down and Shevlin fell down on top of him?

A. On top of him, I suppose.

Q. And in that investigation didn't this man testify that Shevlin was drunk at the time? A. He told me he was.

Q. This man that made the complaint is a paralytic, is he not?

A. Yes, sir.

Q. And Shevlin is a large strong man? A. Yes, sir.

Q. When you had about 100 mechanics on every day at your table did you ever make inquiry where they were employed? A. Yes, sir. They were employed down at the other buildings—the insane hospital, the hospital for insane incurables, and the hospital proper and so forth, and a few of them around the almshouse. We had to have men around the blacksmith shop and carpenter shop and so forth.

Q. They have got them around there now, too? A. Not many.

Q. And they had them around before Gott, Nolan and Murphy came there? A. They had one blacksmith and one carpenter.

Q. They did all the work then and do now? A. Yes, sir.

Q. When you had all of these people dining at your table did you notice any particularly large amount of work being done, or were they simply walking around and eating and having a good time? A. No, sir. I didn't know of any particular amount of work being done, because I had no access to the other buildings and consequently didn't know what work was doing.

Q. What is that? A. I didn't know of any particular amount of

work because I had no access to the other buildings and consequently didn't know what work was doing.

Q. All that you knew was that they came there to eat and you were told that they were working? A. I had quite enough to attend to along with my other duties.

Q. Do you remember McCanna's house being repaired two or three years ago—the chief's? A. The chief's; yes, sir.

Q. Do you know whether the men who made the repairs were county employes? A. I don't know.

Q. Do you recollect whether you were informed at the time whether they were county employes or not? A. No, sir.

Q. Did you see the repairs while they were being done? A. I might have passed by that way.

Q. Did you pass by when the sidewalk was put down in front? A. I did not.

Q. Did you see it put down? A. I did not.

Q. Did you know it was down? A. I did, but it was already done.

Q. Do you know who did it? A. I do not.

Q. Did you ever hear who did it? A. No, sir.

Q. How large a sidewalk is it? A. Now I don't know. I never took a great deal of attention to it.

Q. Give us an idea — how wide? What street is it on? A. It is on Clarkson street.

Q. Now, what frontage has it on Clarkson street? A. That I couldn't tell you neither.

Q. Well, about? A. I don't know.

Q. Is it about one hundred feet? A. It may be that.

Q. Now how deep is it on Rogers avenue? A. Well, I don't know. The lot runs back pretty deep.

Q. Does it not run about one hundred feet back? A. Probably about one hundred feet back.

Q. How wide is this sidewalk? A. I don't know.

Q. Well, I know that— but about how wide? I know you did not measure it, Mr. Murray. A. I didn't.

Q. I want to know. I want to get your best idea. A. May be four or five or six feet.

Q. May be five or six feet wide? A. It may be five or six feet wide for what I know.

Q. Do you recollect how many carpenters were employed on the chapel? A. I don't, sir.

Q. Were there as many as 19? A. No, sir; I don't think so. When I went out there one day I thought, may be, there were ten or eleven carpenters employed on it. They all seemed to be pretty busy.

Q. You don't think there was as many as 19 employed upon it. A. There may be that many, but I haven't seen them.

Q. What is the present sanitary condition of the almshouse? A. Well, the sanitary condition of the almshouse is fair—generally fair—but not up to date.

Q. Is there enough room for the inmates? A. There is not sir, in the first place.

Q. What number of inmates are the buildings provided for? A. The buildings would hold comfortably 1,200, perhaps.

Q. And how many have you in them? A. I had 1,583 last winter a year ago.

Q. And how many have you in them now? A. Last year somewhere along about 1,500. May be a few, some over that; not many. There is not room.

Q. Where do they sleep? A. Many of them sleep in the hallways and on the stair landings—wherever we can put them. We house them as comfortably as possible.

Q. Do you recollect what the character of the supplies was for the almshouse during the years from 1890 to 1894? A. Well—

Q. For the years 1890 to 1894? A. Well, sometimes good. Sometimes we have found fault with articles that were delivered there—food for instance.

Q. What kind of food? A. The beans was sometimes of a very inferior quality, which I have complained of.

Q. How was the meat? A. The meat was reasonably fair, and the pork was poor as a general rule.

Q. Do you recollect the item of blankets, Mr. Murray — what the character and condition of the blankets were that was furnished you during the years 1891, 1892 and 1893? A. Well, we used a gray blanket there.

Q. Well, was it a good blanket? A. It was a reasonably fair blanket. Yes, sir.

Q. Were the blankets cut up by you for the purpose of having enough to go around? A. No, sir. They were not.

Q. You never cut them? A. Yes, sir. I might cut them if I wanted to put a double blanket and a half a blanket on a bed. I would do it. I would do it in that way, but not for the reason we had to cut them in order to have enough.

Q. You had all you wanted of them? A. Yes, sir.

Q. And gray blankets were used particularly in the almshouse? A. Yes, sir. We didn't use any white blankets there, only what is used in the nursery.

Q. What is your basement used for? A. Well, the basement is used for a dining-room for the male almshouse. There is also a tailor shop and a shoe shop where they do all the repairing; a barber shop; a place to store away the clothing of the inmates as they come in — they are carefully put away and fumigated, and they are put away with a tag on so that he can take his clothes when he goes. We give him a regulation suit of almshouse clothes and then when he is going out, going away, why we exchange with him again.

Q. Are there rules governing the conduct of inmates in the almshouse? A. Rules governing the conduct?

Q. Yes, sir. A. I don't know as there is any rules necessary, unless to separate the sexes as near as we possibly can.

Q. I mean are there any rules that govern the inmates — that govern the institution? A. Rules governing the institution so far as cleanliness and good order is kept or can be kept — we do that to the best of our ability.

Q. Are there any rules that govern the institution, so far as the inmates are concerned, that they must obey? A. Yes, sir.

Q. What are those rules? A. If they disobey and continue to do it we will have to discharge them.

Q. What are those rules that they must obey? A. If a person was asked to do any work and was able to do it and would refuse to do it we would discharge him. A person who would swear and use bad language or use bad names, they would have to go outside.

Q. As soon as a person is committed to the almshouse do you inform them what rules they must comply with? A. Yes, sir; inform them certainly.

Q. And then if they do not comply with them they are discharged? A. Yes, sir; that is their own fault. If a man should happen to get drunk in there occasionally, and that will happen, we will put him in a cell and let him lay in there all night or during the day and they will get all right again.

Q. When do you discharge persons committed to the almshouse? A. Whenever they want to leave.

Q. So that if a police magistrate commits a person to the almshouse it is not for any length of time? A. If he does not state for any length of time, yes, sir — whenever the person wants to go.

Q. How do they get liquor at the almshouse? A. That is one of the questions I have been trying to find out for a good while.

Q. You say some of them get drunk. I would like to know how they get drunk? A. I couldn't tell you.

Q. If you haven't been able to find that out in 27 years I can't find it out in a day? A. I haven't found it out yet.

Q. Do any of the inmates get money? A. You know it is in the heart of the city. The railroad runs past there and the friends

come in there. On Sunday I leave the door open for a person to see their friends. The door is wide open.

Q. On Sunday the latch string is on the outside for everybody?

A. Yes, sir; so long as they behave themselves.

Q. Are the visitors searched? A. No, sir. If a visitor would come there on Sunday and a man should get drunk and then should come again, it is a sure thing.

Q. The next time you would search him? A. The next time we probably wouldn't let him in at all.

Q. The first time would be a free drunk? A. Those poor old creatures there it doesn't take a great deal to make them drunk.

Q. A person committed to the almshouse, can he go outside during the day and come back again? A. Yes, sir.

Q. The liquor stores are not very far from the almshouse? A. Oh, no.

Q. So that if they got the money they have not very far to go? A. Not at all.

Q. Consequently you wouldn't have very far to go to discover the source from which they get their liquor? A. Now, considering the number of people that are up there, intoxication is not very rampant. It is not very bad. I don't know that there is anything to complain of, in fact.

Q. What is the situation of the water-closets in the almshouse? A. The water-closets in the female almshouse are reasonably fair, while in the male almshouse they can be improved on. Last year, I recollect, in my annual report I asked that there be new water-closets and bath tubs placed on each floor.

Q. Are they not now on each floor? A. On the extreme west end of the building there is a water-closet, where there are 700 men sleeping in one building. It is 210 feet long. Now, at the extreme end of that house, to come down to that water-closet at the other end of the building it is too much. For instance, a man has got rheumatics, he may be paralyzed or otherwise so that he may

have all the infirmities that old age brings on, and he can't get down through that long hall.

Q. You mean there is one closet for 700 people? A. No, sir. There is a large water-closet on each floor. There are five seats.

Q. And how many on a floor? A. Five seats on a floor.

Q. And about how many people on a floor? A. There are 700 in the building, and then on each floor—that would be 200 on each floor.

Q. A little over two hundred on each floor? A. Yes, sir.

Q. And these 200 have to walk on an average of 105 feet, 210 feet being the length of the building. A. The ones at the extreme end.

Q. They must walk 210 feet? A. Yes, sir; and that is too far in the middle of the night; no doubt the commissioners would have done that—they couldn't do that without money.

Q. What is the character of the plumbing? A. The plumbing is reasonably fair, but in the male almshouse there is not enough of it; and in the female almshouse I think if there is a new method entirely it would be better.

Q. Is the plumbing improved plumbing or old-fashioned? A. Old-fashioned plumbing in the female almshouse.

Q. Is it all boarded in, or is it exposed plumbing? A. It is exposed plumbing.

Q. All of it? A. All of it, nearly.

Q. Who keeps the books in your department? A. Mr. Davison.

Q. And this book of employes, that you brought with you to-day, is in the handwriting of Mr. Davison? A. No, sir; it is in the handwriting of myself.

Q. All your own handwriting? A. All my own; yes, sir.

Q. And this contains a list of all the employes that have been in your department? A. Yes, sir.

Q. Since 1887? A. Yes, sir.

Q. And the salary that they received? A. Yes, sir.

Mr. Hirsh.—I would like to have you mark this book, Mr. Stenographer.

(The book referred to was here marked by the stenographer Exhibit "T.")

M. Hirsh.—That is all, Mr. Murray.

Mr. Schulz.—The committee will now take a recess until half past 2 o'clock.

PROCEEDINGS OF WEDNESDAY AFTERNOON, JULY, 7,
1895.

Present—Messrs. Schulz and Keenholts, of the committee.

Mr. Hirsh, of counsel.

Willard S. Pladwell, being called as a witness and duly sworn by Mr. Schulz, testified as follows:

Examined by Mr. Hirsh:

Q. Mr. Pladwell, you are an attorney and counsellor at law? A. Yes, sir.

Q. Have been such for how many years? A. Twenty years.

Q. And you have been employed by counsel to this investigating committee as one of the assistants? A. Yes, sir.

Q. And as such employe, have you gone over Mr. McCanna's statement, as rendered by him? A. I have.

Q. Also, over the records of the various institutions and departments? A. Yes, as appears by their weekly reports.

Q. As appears by their weekly reports, signed by the various superintendents? A. Yes, sir.

Q. And have you tabulated those various reports for each year, showing the amount expended in mechanics' pay and materials? A. I have.

Q. And made the totals? A. Yes.

Q. Now, if you will kindly state what has been expended in each of the institutions each year, from the year 1890 to the year 1894, for mechanics' pay and for materials, giving the total for each year; after-

wards giving the total for all the years from 1890 to 1894? A. (Referring to statement.) Take the mechanics' statement first, then afterwards the weekly report?

Q. Yes. A. Chief Engineer McCanna's statement.

FOR THE ALMSHOUSE.

The fiscal year or part of the year, beginning January 1, 1890, to July 31, 1890, seven months:

Amount expended for mechanics' pay on the almshouse,	
was	\$3,704 75
Materials for the same period.....	3,265 73
Total mechanics' pay and materials for that seven months	<u>\$6,970 48</u>

For the fiscal year, beginning August 1, 1890, to July 31, 1891:

Mechanics' pay.....	\$10,109 35
Materials	17,026 13
Total.....	<u>\$27,135 48</u>

Fiscal year beginning August 1, 1891, to July 31, 1892:

Mechanics' pay.....	\$11,877 00
Materials	5,701 00
Total.....	<u>\$17,578 00</u>

Fiscal year of August 1, 1892, to July 31, 1893:

Mechanics' pay.....	\$13,998 00
Materials	6,819 71
Total for the year.....	<u>\$20,817 71</u>

Fiscal year or part of fiscal year, August 1, 1893, to December 31, 1893, five months:

Mechanics' pay	\$16,521 94
Materials.....	5,435 00
Total	<u>\$21,956 94</u>

HOSPITAL.

Same statement — McCanna's statement—January 1,
1890, to July 31, 1890 :

Mechanics' pay.....	\$4,113 25
Materials	2,919 96
Total.....	<u>\$7,033 21</u>

Fiscal year beginning August 1, 1890, to July 31, 1891 :

Mechanics' pay	\$7,281 10
Materials.....	8,046 52
Total.....	<u>\$15,327 62</u>

Fiscal year August 1, 1891, to July 31, 1892 :

Mechanics' pay	\$12,410 50
Materials	13,507 26
Total for the year.....	<u>\$25,917 76</u>

August 1, 1892, to July 31, 1893 :

Mechanics' pay	\$7,870 50
Materials	7,740 21
Total.....	<u>\$15,610 71</u>

August 1, 1893, to December 31, 1893, five months :

Mechanics' pay	\$5,892 70
Materials	3,955 07
Total	<u>\$9,847 77</u>

ST. JOHN LAND, ASYLUM.

Same statement — McCanna's statement—January 1,
1890, to July 31, 1890, seven months :

Mechanics' pay.....	\$3,121 50
Materials	1,919 74
Total	<u>\$5,041 24</u>

August 1, 1890, to July 31, 1891 :

Mechanics' pay	\$17,480 88
Materials	11,137 20
Total	<u>\$28,618 08</u>

August 1, 1891, to July 31, 1892 :

Mechanics' pay	\$19,894 30
Materials	8,639 22
Total ..	<u>\$28,533 52</u>

Fiscal year August 1, 1892, to July 31, 1893 :

Mechanics' pay.....	\$13,532 25
Materials	6,566 92
Total.....	<u>\$20,099 17</u>

August 1, 1893, to December 31, 1893, five months,
no mechanics' pay.

Materials	<u>\$6,566 92</u>
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FLATBUSH ASYLUM AND ANNEX.

McCanna's statement, January 1, 1890, to July 31,
1890 — all these are McCanna's statements :

Mechanics' pay.....	\$3,974 00
Materials	4,153 62
Total.....	<u>\$8,128 62</u>

Fiscal year August 1, 1890, to July 31, 1891 :

Mechanics' pay.....	\$14,436 16
Materials	15,658 63
Total.....	<u>\$30,094 79</u>

August 1, 1891, to July 31, 1892 :

Mechanics' pay.....	\$9,659 00
Materials	14,251 94
Total.....	<u>\$23,910 94</u>

August 1, 1892, to July 31, 1893:

Mechanics' pay	\$41,226 46
Materials	59,977 43
Total	<u>\$101,203 88</u>

Fiscal year August 1, 1893, to December 31, 1893:

Mechanics' pay	\$9,198 75
Materials	10,566 69
Total	<u>\$19,765 44</u>

PENITENTIARY.

McCanna's statement, January 1, 1890, to July 31, 1890:

Mechanics' pay	\$1,855 50
Materials	5,714 10
Total	<u>\$7,569 60</u>

August 1, 1890, to July 31, 1891:

Mechanics' pay	\$16,375 45
Materials	10,195 85
Total	<u>\$26,571 30</u>

August 1, 1891, to July 31, 1892:

Mechanics' pay	\$3,044 75
Materials	4,371 90
Total	<u>\$7,416 65</u>

August 1, 1892, to July 31, 1893:

Mechanics' pay	\$5,561 75
Materials	10,031 89
Total	<u>\$15,593 64</u>

August 1, 1893, to December 31, 1893:

Mechanics' pay	\$1,336 00
Materials	1,215 32
Total	<u>\$2,551 32</u>

MORGUE.

Total for the four years, according to McCanna's statement: Mechanics' pay \$171 00

DISTRICT OFFICE.

According to McCanna's statement, nothing.

Weekly reports—

Q. Now you read the totals from the weekly reports as tabulated by you directly from those reports as you got the records from the department of charities? A. Yes, sir.

WEEKLY REPORTS.

January 1, 1890, to July 31, 1890, for the

ALMSHOUSE.

Mechanics' pay	\$3,417 25
Materials	2,966 72
Total.....	\$6,383 97

August 1, 1890, to July 31, 1891:

Mechanics' pay	\$6,368 75
Materials.	15,248 76
Total.....	\$21,617 25

August 1, 1891, to July 31, 1892:

Mechanics' pay	\$8,107 00
Materials	6,617 07
Total.....	\$14,724 07

August 1, 1892, to July 31, 1893:

Mechanics' pay	\$8,409 50
Materials	7,015 65
Total.....	\$15,425 15

August 1, 1893, to December 31, 1893, five months:

Mechanics' pay	\$6,829 00
Materials	8,249 96
Total.....	<u>\$15,078 96</u>

HOSPITAL.

Weekly report, January 1, 1890, to July 31, 1890:

Mechanics' pay	\$2,517 00
Materials	1,719 96
Total	<u>\$4,236 96</u>

August 1, 1890, to July 31, 1891:

Mechanics' pay	\$3,698 00
Materials	7,322 57
Total.....	<u>\$11,020 57</u>

August 1, 1891, to July 31, 1892:

Mechanics' pay.....	\$8,193 30
Materials.....	11,293 01
Total.....	<u>\$19,486 31</u>

August 1, 1892, to July 31, 1893:

Mechanics' pay.....	\$6,534 00
Materials.....	8,504 50
Total.....	<u>\$15,038 50</u>

August 1, 1893, to December 31, 1893:

Mechanics' pay.....	\$3,029 35
Materials.....	2,040 73
Total.....	<u>\$5,079 98</u>

ASYLUM ST. JOHN LAND.

Weekly reports, January 1, 1890, to July 31, 1890:

Mechanics' pay.....	\$3,121 00
Materials.....	2,544 63
Total	<u>\$5,665 63</u>

August 1, 1890, to July 31, 1891:

Mechanics' pay.....	\$8,212 65
Materials.....	9,436 86
Total	<u>\$17,649 43</u>

August 1, 1891, to July 31, 1892:

Mechanics' pay.....	\$9,352 55
Material.....	9,627 30
Total.....	<u>\$19,979 85</u>

August 1, 1892, to July 31, 1893:

Mechanics' pay.....	\$12,669 75
Materials.....	7,133 39
Total.....	<u>\$19,803 14</u>

August 1, 1893, to December 3, 1893:

Five months' mechanics' pay	\$4,298 75
Materials.....	6,066 92
Total.....	<u>\$10,365 67</u>

ASYLUM AND ANNEX, FLATBUSH.

January 1, 1890, to July 31, 1890:

Mechanics' pay	\$3,860 75
Materials	3,960 47
Total.....	<u>\$7,821 22</u>

August 1, 1890, to July 31, 1891:

Mechanics' pay	\$8,720 50
Materials	12,601 19
Total	<u>\$21,321 69</u>

August 1, 1891, to July 31, 1892:

Mechanics' pay	\$8,181 75
Materials	11,796 86
Total	<u>\$19,978 61</u>

August 1, 1892, to July 31, 1893:

Mechanics' pay	\$23,888 75
Materials	41,862 85
Total	<u>\$65,751 60</u>

August 1, 1893, to December 31, 1893:

Mechanics' pay	\$9,198 75
Materials	10,566 91
Total	<u>\$19,765 67</u>

PENITENTIARY.

Weekly reports, January 1, 1890, to July 31, 1890:

Mechanics' pay	\$459 57
Materials	2,777 16
Total	<u>\$2,636 73</u>

August 1, 1890, to July 31, 1891:

Mechanics' pay	\$3,735 00
Materials	9,372 60
Total	<u>\$13,107 60</u>

August 1, 1890, to July 31, 1892 :

Mechanics' pay	\$5,833 34
Materials	4,271 44
Total	<u>\$10,104 78</u>

August 1, 1892, to July 31, 1893 :

Mechanics' pay	\$3,331 00
Materials	8,898 40
Total	<u>\$12,229 40</u>

August 1, 1893, to December 31, 1893 :

Mechanics' pay	\$2,373 50
Materials	2,186 36
Total	<u>\$4,559 86</u>

MORGUE.

Weekly report, January 1, 1890, to July 31, 1890 :

Mechanics' pay	\$87 25
Materials	27 07
Total	<u>\$114 32</u>

August 1, 1890, to July 31, 1891 :

Mechanics' pay	\$705 25
Materials	441 57
Total	<u>\$1,146 82</u>

August 1, 1891, to July 31, 1892 :

Mechanics' pay	\$342 00
Materials	62 64
Total	<u>\$404 64</u>

August 1, 1892, to July 31, 1893 :

Mechanics' pay	\$151 00
Materials	56 62
Total	<u>\$207 62</u>

August 1, 1893, to December 31, 1893:

Mechanics' pay	\$158 00
Materials	27 72
Total	<u>\$185 72</u>

DISTRICT OFFICE.

Weekly reports, January 1, 1890, to July 31, 1890 :

Mechanics' pay	\$45 50
Materials	28 20
Total	<u>\$73 70</u>

August 1, 1890, to July 31, 1891 :

Mechanics' pay	\$243 50
Materials	72 23
Total	<u>\$315 73</u>

August 1, 1891, to July 31, 1892 :

Mechanics' pay	\$265 75
Materials	102 77
Total	<u>\$368 52</u>

August 1, 1892, to July 31, 1893 :

Mechanics' pay	\$124 98
Materials	42 13
Total	<u>\$167 11</u>

August 1, 1893, to December 31, 1893:

No mechanics' pay.

Materials	\$8 60
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GRAND TOTALS.

McCanna's statement. From January 1, 1890, to December 31, 1893,
four years :

ALMSHOUSE.

Mechanics' pay	\$56,211 04
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Materials	38,247 57
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Total	\$94,458 61
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HOSPITAL.

Mechanics' pay	\$37,568 05
--------------------------	-------------

Materials	36,169 02
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Total	\$73,737 07
-----------------	-------------

ST. JOHN LAND, ASYLUM.

Mechanics' pay	\$54,028 93
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Materials	34,830 00
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Total	\$88,858 93
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ASYLUM AND ANNEX, FLATBUSH.

Mechanics' pay	\$78,494 93
--------------------------	-------------

Materials	104,608 31
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Total	\$183,103 17
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PENITENTIARY.

Mechanics' pay	\$28,173 45
--------------------------	-------------

Materials	31,529 06
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Total	\$59,702 51
-----------------	-------------

MORGUE.

Mechanics' pay	\$171 00
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Grand totals combined for all the institutions together:

Mechanics' pay	\$254,647 33
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Materials	245,383 96
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Total for mechanics' pay and material used upon these institutions during that period.....	\$500,031 29
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Same totals according to weekly reports (same period of time) :

ALMSHOUSE.

Mechanics' pay	\$33,131 50
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Materials	40,098 16
-----------------	-----------

Total	\$73,229 66
-------------	-------------

HOSPITAL.

Mechanics' pay	\$23,981 55
----------------------	-------------

Materials	30,880 77
-----------------	-----------

Total	\$54,862 32
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ASYLUM, ST. JOHN LAND.

Mechanics' pay	\$37,654 80
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Materials	34,808 92
-----------------	-----------

Total	\$72,463 72
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FLATBUSH ASYLUM AND ANNEX.

Mechanics' pay	\$53,850 50
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Materials	80,788 29
-----------------	-----------

Total	\$134,638 79
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PENITENTIARY.

Mechanics' pay	\$15,732 41
Materials	26,905 96
Total	<u>\$42,638 37</u>

MORGUE.

Mechanics' pay	\$1,443 50
Materials	615 62
Total	<u>\$2,059 12</u>

DISTRICT OFFICE.

Mechanics' pay	\$679 73
Materials	253 93
Total	<u>\$933 66</u>

Grand total for all the institutions combined for four years:

Mechanics' pay	\$166,473 99
Materials	214,351 65
Total	<u>\$380,825 64</u>

Q. Have you also examined the pay-rolls? A. I have.

Q. As filed in the department of charities and corrections for the same time? A. I have.

Q. And have you tabulated and totalized the amount as shown by those pay-rolls for mechanics' services during the same time? A. Yes.

Q. Just state the amount? A. Pay-roll from January 1, 1890, to July 31, 1890:

Mechanics	\$14,129 00
Extra mechanics on penitentiary roof	1,788 50

August 1, 1890, to July 31, 1891:

Mechanics	\$31,859 49
Extra mechanics at penitentiary roof.....	175 00

August 1, 1891, to July 31, 1892:

Mechanics	40,916 63
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August 1, 1892, to July 31, 1893:

Mechanics.....	60,014 75
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August 1, 1893, to December 31, 1893:

Mechanics	24,958 75
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Total	\$173,842 12
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Q. What would be the total of mechanics' services as per pay-roll and materials? A. The total as by the weekly report?

Q. As per the weekly reports? A. The material is \$214,351.65.

Q. Now add the pay-roll? A. And the pay-roll is \$173,842.12.

Q. Add those two amounts together; I want that total, if you please? A. Three hundred and eighty-eight thousand one hundred and ninety-three dollars and seventy-seven cents.

Q. Have you also examined the timebooks of the chief engineer during the years 1890 and 1891, for, among other things, to find out how much had been paid to mechanics who had rendered no service whatever, as shown by those timebooks? A. I have.

Q. State what they were during those years? A. (Referring to statement.) This statement simply indicates mechanics who were charged with being absent, on the timebook, and yet were paid for their absence.

In 1890, the amount was.....	\$760 70
In 1891, the amount was.....	269 50
In 1892, the amount was.....	2,827 50
In 1893, the amount was.....	202 05

Total for the four years.....	\$4,059 75
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Mr. Hirsh.—We have no further testimony to-day. Our witnesses, some of them, are away, and we did not care to bring them, knowing that they would attend to-morrow. We ask for an adjournment.

Mr. Schulz.—This committee stands adjourned until to-morrow morning at 10 o'clock.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON
AFFAIRS OF CITIES AT A MEETING HELD THURSDAY
MORNING, AUGUST 8, 1895.

Present—Messrs. Schulz, Keenholts and Hennessey of committee.

Mr. Hugo Hirsh, of counsel.

John A. Arnold, having been called as a witness and duly sworn by Mr. Schulz testified as follows:

Examined by Mr. Hirsh:

Q. You are a physician? A. Yes, sir.

Q. And how long have you been a physician, doctor? A. Since 1871—March, 1871.

Q. And are you attached to any of the county institutions? A. I am the superintendent of the Kings county hospital.

Q. How long have you been there? A. Since March, 1894.

Q. And previous to that time were you attached to any of the institutions? A. Yes, sir.

Q. When? A. Oh, since December, 1877.

Q. Since December, 1877, and up to what time? A. Up to March, 1892.

Q. And did you resign in March, 1892? A. Yes, sir.

Q. That was during the administration of Gott, Nolan and Murphy? A. Yes, sir.

Q. What was the cause of your resignation, doctor? A. The commissioners told me they were going to abolish the position which I then held, and gave me permission to resign.

Q. Did they make things very uncomfortable for you? A. They made things somewhat disagreeable—some things—rules that they would make.

Q. Do you know what the character of the supplies were from January 1, 1890, up to the time you resigned? A. They were fair as far as I remember.

Q. Was there any change in the supplies from former years? A. I don't remember that there was; no, sir—about the same character.

Q. When do you say you were again appointed, doctor? A. In March, 1894.

Q. And what was the character of the heating in the Kings county hospital during the last winter? A. During the last winter?

Q. Yes, sir. A. You mean the degree?

Q. Was it sufficient or insufficient. A. Sufficient.

Q. There was sufficient heat? A. Yes, sir.

Q. Was there sufficient heat the year before that? A. I don't know the year before—I was not there.

Q. Was you in the hospital daily? A. Yes, sir; I might be away for 24 hours; I was supposed to be there daily.

Q. Did you know of any complaint in the hospital about insufficient heat last winter? A. Oh, there might have been, I don't remember that there was; there might have been.

Q. If there was complaint about insufficient heat, how can you say there was sufficient heat? A. Well, our temperature record shows what the temperature was.

Q. Have you such a record? A. There is such a record kept there.

Q. Did you look at it? A. Yes, sir.

Q. When? A. I looked at it three or four days ago; now I have looked at it several times.

Q. Did you look at it during the last year? A. The temperature is kept through the day; it is not kept through the night—unless it is specially cold, and then we do; I look at it every day.

Q. How often do you go to the hospital yourself? A. How often do I go to the hospital?

Q. Yes, sir. A. I do not go away from there; my home is there; I stay there.

Q. I mean through the hospital? A. Two or three times a day—once in a day or two; if nothing is reported as wrong, I may not go so often.

Q. Who are your assistants now? A. Doctor Rose is my assistant superintendent.

Q. Have you any other assistants? A. We have a set of internes.

Q. Who are the staff of internes? A. Their names?

Q. Their names; yes, sir. A. At present Doctor Stivis, Doctor Stumpf—there are 8 of them—Stivis, Stumpf, Stratton, Richards.

Q. Pettit? A. Pettit.

Q. Walker? A. No, sir.

Q. Storms? A. Stumpf—S-t-u-m-p-f; Dodge, Stratton, Pettit, Stivis, Johnson, Richards and Nelson; there were 8 of them appointed every year.

Q. What is that? A. There are 8 of them appointed every year to serve a year.

Q. Then they stay there for a year and new internes are appointed? A. Yes, sir.

Q. Do you recollect the item of blankets in the hospital, doctor? A. I recollect—I don't understand what you mean; I remember blankets.

Q. You recollect that there was not sufficient blankets furnished at one time and it became necessary to cut them? A. No, sir; I don't remember any such thing.

Q. You say that that did not occur? A. No, sir; not in my time; I don't know anything about it.

Q. You don't recollect anything about it? A. No, sir; I would say that I always cut blankets that were given out to the institution—

and don't allow them to go out unless a pair of blankets is cut in two; I specially forbade it for convenience to the laundry and people making the beds.

Q. You cut the blankets in two? A. I have them cut in two; so that they will not be so long to go into the laundry; a blanket 6 or 8 feet long to go into the laundry is inconvenient and I see no advantage in it.

Q. The requisitions for blankets in your institution come from whom? A. Well, we make the requisitions the same as for anything else, and it goes before the commissioners.

Q. Who makes the requisition? A. Oh, I sign the requisition.

Q. And who reports to you when blankets are necessary? A. Well, we know that from our book that we keep, our blanket account, and what the nurses say and so forth—our regular books that we keep in the hospital.

Q. Well, you say you know from the book that you keep? A. Books.

Q. And your nurses? A. Yes, sir.

Q. How does it come to your ears that blankets are necessary in your department? A. We know—

Q. Not "we," doctor? A. Well, I know.

Q. I want to know how you know that blankets are necessary in your department? A. Well, I know.

Q. How? A. From the fact that it is coming cold weather and we look up our winter clothing.

Q. That is, to see what there is; you direct the nurses and attendants to look up and see what stock there is on hand? A. No, sir; I do not direct the nurses.

Q. What then? A. I direct the assistant superintendent — and myself, and the steward and matron.

Q. You all go at it together? A. Yes, sir.

Q. Then you find out for yourself exactly what the condition of the larder is? A. Yes, sir.

Q. And if you find you have not enough blankets for the winter you make a requisition for them? A. Yes, sir; that is the idea.

Q. And that usually occurs what time of the year? A. Oh, along in November or December, when it is time for cold weather.

Q. When it is time for cold weather? A. Whether cold weather comes or not.

Q. It may be in October? A. It may be in October; yes, sir.

Q. Then the greatest requisition for blankets in the year would be, as you express it, when the time for cold weather comes? A. At the end of the summer; yes, sir—when cold weather comes.

Q. Can you recollect what the largest number of blankets was that were ever ordered by you at one time? A. No, sir.

Q. You have no idea at all? A. No, sir; not positively.

Q. Well, give it to us as near as you can? A. I think I ordered 200 pair last year.

Q. Do you recollect what you ordered, during the Gott, Nolan and Murphy administration? A. No, sir.

Q. You can't recollect that at all? A. No, sir.

Q. Was that 200 pairs ordered last year—wasn't that as large an order as you ever gave? A. That I don't remember, sir.

Q. Now, when the blankets came did you compare them with the samples on hand? A. I can't say positively; I think I did; I know I was looking at samples and weighing samples and measuring samples for a week or two last fall.

Q. I am not speaking particularly about last fall, doctor, I want to know what your custom has been regarding the goods that came there; you knew what was contained in the schedule, did you not—you looked in the schedule? A. Yes, sir; I looked in the schedule.

Q. You knew the contracts that had been made, did you not? A. Well, no; I can't say that I did know.

Q. If you had a copy of the schedule, you knew what contracts had been made? A. Not necessarily.

Q. Why not? A. The contractor's name was not always put on the schedule.

Q. I didn't ask you anything about the contractor's name—I asked if you knew what contracts were made? A. No, sir—I did not; I won't say that I did.

Q. What was the object of your having a copy of the schedule there, if you did not know what goods had been contracted for, doctor? A. I knew some of them—I don't think I did all.

Q. Didn't you know that all the goods contained in the schedules had been contracted for? A. No, sir—I did not.

Q. You never thought over the matter whether the schedules were sent to you for fun or whether it was to show you what goods had been contracted for? A. I don't know whether I thought of it or not.

Q. Now, you did compare, however, the goods that came there with the schedules? A. When?

Q. When they came there—did you not? A. All the goods that we received?

Q. Yes, sir. A. No, sir.

Q. Why not? A. I didn't think it was necessary.

Q. Did you compare any of the goods that were received with the samples on hand? A. Sometimes.

Q. Did you do that with the blankets? A. I don't remember whether I did or not; I might and I might not.

Q. Well, doctor, you were placed there as superintendent to superintend, generally, were you not, at the institution? A. Yes, sir.

Q. Now, how could you or anybody else tell that the schedules, and thereby the contracts, had been complied with, if you did not compare an article with the schedule? A. I considered there was a storekeeper for that purpose; he passed them, and unless there was something out of the way I didn't; I had other things to look after.

Q. So your requisition was to the storekeeper? A. I made my requisition to the commissioners, and the commissioners returned it to the storekeeper I suppose; that they can answer for.

Q. But you know that there was a storekeeper, and relying that the storekeeper's business and duty was to look after the articles furnished, you therefore paid not so much attention to that as you might otherwise have done? A. That is the idea.

Q. Do you know what the object was in giving you a copy of the schedules, doctor? A. Well, it was generally understood that those, or some of the articles on there, could be ordered, that is had been contracted for.

Q. They weren't given to you for the purpose of acquainting you with the fact that the articles had been ordered or contracted for, taken with the further fact that comparison should be made as to the quality and quantity of goods furnished? A. Not on my part; I didn't understand it so.

Q. Well, did you have anybody in your employment there or under you to whom you suggested an examination of the goods that came there for the purpose of comparing them with the schedule? A. Yes, sir.

Q. Who was that? A. The steward.

Q. You had a steward? A. Yes, sir.

Q. And did he have a copy of the schedule? A. In fact, I think a copy was kept in his office.

Q. Who was the steward? A. When I went there it was Mr. heline.

Q. And that was in what year? A. Eighteen hundred and ninety-four.

Q. And previous to that in the two years that you were there, from 1890 to 1892, who was the steward? A. Well, he was the greater part of the time; we had a Mr. Murray—who was the steward before him I don't remember.

Q. From your last appointment while Mr. Sheline was steward you relied upon the steward? A. Somewhat; yes, sir.

Q. Well, how much did you? A. I can't tell you just how much; I was looking after those blankets and weighing them and measuring them and so forth.

Q. Did you do that? A. I did; that is myself—and the apothecary weighed them for me—the assistant apothecary rather.

Q. And compared them with the schedule? A. Yes, sir.

Q. And found that they were in accordance with the sample? A. As I remember it; yes, sir.

Q. Was there any possibility by the manner in which goods were contracted for, placed on schedule, delivered, and generally supervised, for contractors to swindle the county? A. There might have been.

Q. There might have been? A. Yes, sir.

Q. In what way, doctor? A. Oh, I don't know in what way.

Q. How can you make use of the expression: "There might have been" if you can not state how? A. A great many things are possible you know, that I don't know anything about.

Q. You used that as a sort of glittering generality without giving particulars? A. I could give particulars if I had time to think up what they are; I never paid much attention to the schedule.

Q. You left that to the storekeeper and steward? A. Yes, sir.

Q. What does the position of superintendent of a hospital like this call for? A. It calls for a great many and different things.

Q. Will you kindly tell us what?—first, he must be a physician? A. Sir?

Q. First the superintendent of a hospital must be a physician? A. Not necessarily. In that hospital it has been the custom for him to be one.

Q. What does it call for if it does not necessarily call for that? A. Well it calls for—I don't know—a man to look after the patients, and nurses and doctors and clothing.

Q. And supplies? A. And supplies, and cooking and eating. I can't tell you what—it would take me a good while to tell you.

Q. Now, the question that the county and the inmates got what was contracted for is as important as anything else, is it not, doctor?

A. I should think it was; yes, sir.

Q. And it is, as you yourself have stated, one of the duties of the superintendent to look after that? A. To look after the general things; yes, sir.

Q. Why was it that you took so little care over the schedules and the comparisons of the articles that were furnished under the schedules by the contractors? A. I considered that there was another man to do that part of it, and unless I saw something wrong I did not consider it was my duty to give it my close attention. There was a man appointed for that purpose.

Q. You have now reference to the storekeeper? A. Yes, sir.

Q. How often do you come in contact with the storekeeper? A. Oh, I don't know. Once a week perhaps.

Q. That is the storekeeper now is Gilbert Hicks? A. Yes, sir; Mr. Hicks.

Q. How often did you come in contact with the storekeeper in 1890 and 1892? A. Probably once a week.

Q. The storekeeper then was McLaughlin? A. Yes, sir; the largest part of it.

Q. Have you ever had cause to complain to the storekeeper about the articles furnished? A. Once or twice, and perhaps more times. I think I have.

Q. To McLaughlin or to Hicks? A. To McLaughlin.

Q. Do you recollect what the cause of your complaint was? A. The principal thing that I remember we had some chickens, poultry, that was not up to standard. That is the principal thing that I remember.

Q. Did you ever come in contact with any of the contractors yourself? A. Yes, sir.

Q. With what contractors? A. You mean by that if I ever met them?

Q. Yes, sir. A. Oh, I met Mr. Walsh.

Q. The dry goods man? A. The dry goods man. I don't know. I met a few of them. I met Mr. Thompson and Mr. Hanna and Mr. Stoughtenborough.

Q. Did you ever meet Mr. Newman? A. No, sir—not that I know of.

Q. You never met Mr. Newman, you say? A. Not that I know of.

Q. Did you ever meet Mr. Hanna? A. I have.

Q. Frequently? A. I have met him once, I guess.

Q. Did you know Brooks? A. No, sir.

Q. Did you know Cavanagh? A. I think I have seen Cavanagh.

Q. Any of these that you know—the contractors—did they call upon you there at the hospital? A. Cavanagh was out there once. I know Cavanagh and Thompson—I don't know enough about them to know which is which. One of them was out there once, and Mr. Hanna called at the hospital once.

Q. That is Mr. Hallock, of Smithtown? A. Mr. Hanna—H-a-n-n-a.

Q. Oh, Hanna? A. And Mr. Walsh stopped in there.

Q. When they came out to you did they have a talk generally about what the institution would need? A. No, sir.

Q. They never spoke about that at all? A. No, sir—not in that way.

Q. I don't care whether it was in that way or any other way. I want to know whether there was some talk about what the needs of the institution were? A. I will tell you, if you will permit me, what Hanna said. We bought a set of surgical instruments of him. He was the contractor for those goods, and it had been running for some time and he hadn't got his money, and he came out to see whether I could hurry it up for him. Now, that was his

business. Mr. Walsh came out there. He stoppod in there one day—he was going past—with a sample of kersey that we have for our hospital, for our hospital uniform.

Q. A sample of what? A. Kersey, white kersey.

Q. What? A. K-e-r-s-e-y. And that was about all he talked about—he stopped in there with the assistant store-keeper one day. I might have seen him with others. I don't remember, it is so seldom, or there are so few of them, that I don't remember.

Q. Do you mean that they would come in and talk to you about those bills and go away again? Is that all? A. Yes, sir. That is all there was about it. I don't think Mr. Hanna came in—he just came to the door.

Q. And there was nothing said about what the institution needed? A. No, sir.

Q. No question about how much of one thing or another was needed? A. No, sir.

Q. Do you recollect an item, or do you know of an item, of muslin for bandages? A. I know we have muslin for bandages on the schedule.

Q. Well, is that the only place you have it? A. What do you mean?

Q. Well, was it not for bandages at the hospital? A. Yes, sir.

Q. Do you know, or have you any idea—can you approximately state how much of that you used in any one year? A. No, sir. Our apothecary's books will show that. I know we used a good deal.

Q. Your apothecary is Mr. Hughes? A. Yes, sir. Mr. Hughes.

Q. And he has a regular book of what is used of that kind? A. Yes, sir.

Q. Just state what that book is kept for, doctor, and what it contains generally? A. It contains the general transactions of the things that he receives.

Q. What he receives and he gives out? A. What he receives and gives out.

Q. So that the apothecary books would contain for instance how many barrels or gallons of wine, whiskey and alcohol were used—received and used? A. Yes, sir.

Q. Is that so? A. He has books that contain that; yes, sir.

Q. Yes. And how many yards of muslin for bandages were used? A. Yes, sir.

Q. And where it was distributed? A. Yes, sir.

Q. And similar things that necessarily go through him to the various institutions? A. Yes, sir.

Q. Mr. Hughes, the apothecary at Flatbush, is the dispensing agent to all the other institutions of liquors, is he not? A. Yes, sir; as far as I know.

Q. All the liquors, whiskey, wine, alcohol and sherry go through Mr. Hughes, and are distributed by him to the other institutions, even as far as St. Johnland? A. Yes, sir.

Q. That was the case, was it not? A. Yes, sir; he distributed the liquor.

Q. And he keeps a record of how that is distributed? A. Yes, sir.

Q. Do you know how long Mr. Hughes has been there? A. He has been there since somewhere along 1880 I guess. He was there when I went there.

Q. So he has been in the employ of the county institutions 14, 15 or 16 years? A. Yes, sir; as long as that.

Q. The liquor that is sent to the institutions is used entirely medicinally? A. Yes, sir.

Q. Is that so, doctor? A. Yes, sir.

Q. And is only given on the prescription of one of the physicians there? A. That is all it is supposed to be given.

Q. That is the supposition? A. That is the supposition.

Q. As an actual fact is that always carried out? A. That I can't tell you, sir. Each one must answer for themselves. I suppose it is.

Q. Who must answer for themselves? A. Each one of the phy-

sicians, each one of the ones that have it in charge. It goes through the drug department.

Q. How many assistants are there to Mr. Hughes? A. Two.

Q. Their names please, doctor? A. Eugene Grabinger and William Bauerman.

Q. And are they both competent druggists, apothecaries? A. They are both licensed, yes, sir.

Q. They are licensed? A. Yes, sir.

Q. And they assist Mr. Hughes in dispensing drugs and medicines and so forth that are ordered by the physicians? A. They are in the retail department of it. It comes to him and is sent to the different places as they require it of them.

Q. If a nurse, or nurses, or attendants want a drink, where do they get their prescription from? A. They don't get their prescription, as I know of.

Q. Where do they get their drink? A. That is another matter. They don't from the drug department without a prescription.

Q. Do you know of the fact that nurses and attendants are in the habit of drinking? A. That nurses and attendants —

Q. —are in the habit of drinking intoxicating liquors? A. Do I know that nurses are?

Q. Yes, sir. A. Yes, sir; some of them.

Q. All of them? A. No, sir.

Q. Most of them? A. Well, some of them.

Q. How many nurses are there in the hospital? A. There are about 40. Now, I can reckon it up and find out just how many there are, if you will let me.

Q. You have male and female nurses? A. Yes, sir.

Q. If I call off their names will you remember them, doctor—the male nurses? A. I will try to.

Q. Before I do that will you say that any female nurses were addicted to drinking intoxicating liquors? A. You are speaking of this institution, are you not?

Q. Yes, sir. A. Your question is very general, you know—you ask me if I know of nurses?

Q. I am not speaking of anything else except of the hospital of which you are the superintendent. I am not speaking about anything except this institution. I am asking you whether the nurses attached to this institution are in the habit of drinking liquor? A. Some of them.

Q. Does that apply to both male and female nurses? A. It applies to the male nurses.

Q. And only to the male? A. Only to the male.

Q. Not at all to the female? A. Not that I know of.

Q. You would be apt to know it if it did apply to the females? A. If they drank very much, anything of any account, I would be.

Q. That is, if they drank to excess so that the matter would be so noticeable that the matter would be brought to your attention you would know it. A. Yes, sir.

Q. Does that also apply to the male nurses? A. Yes, sir.

Q. Is there a nurse there named James Walters? A. Yes, sir.

Q. And Upton? A. Yes, sir.

Q. And Wetherbee? A. Yes, sir.

Q. McTierney? A. Yes, sir — McTiernan.

Q. Walsh? A. Yes, sir.

Q. Flynn? A. Yes, sir.

Q. Enck? A. Yes, sir.

Q. Donovan? A. Yes, sir.

Q. Murphy? A. Yes, sir.

Q. Fergus? A. Yes, sir.

Q. Burns? A. Yes, sir.

Q. Lavin? A. Lavin.

Q. Fleming? A. Yes, sir.

Q. And was there also a nurse named Healey there? A. Yes, sir.

Q. He was lately discharged? A. Yes, sir.

Q. When was he discharged? A. Sunday.

Q. What for? A. Because he did what he was told not to do.

Q. State that again, please? A. It states on the record that we keep for nurses that he was discharged for persistent drinking and denying it.

Q. Persistent drinking and denying that he was drinking? A. Yes, sir.

Q. How long had Healey been there? A. Oh, I guess about a year. I don't remember just how long.

Q. Well, during the time that he had been there his conduct of persistent drinking had been reported to you, doctor? A. Yes, sir. I knew it. I don't know just how long he had been there. That is a matter of record.

Q. It had been reported to you that instead of acting as a night nurse when he was so appointed, he would get drunk to such an extent that he would fall on the floor? You never heard of that? A. No, sir.

Q. What was the extent of the drunkenness that you heard him charged with or knew him charged with—when you say he was charged with persistent drunkenness and denying it? A. Persistent drinking.

Q. Well a man who drinks persistently is apt to get drunk, is he not? A. He might.

Q. Well, was Healey drunk? A. He had been drunk; yes, sir.

Q. Frequently? A. Oh, once or twice.

Q. Do you know whether he was drunk on the 23d of July last? A. I don't remember particularly.

Q. And was he not called into the office for being drunk and assaulting a patient. A. He might have been. I don't remember.

Q. Is there any record of it at all, doctor? A. I don't know whether there is of that or not. There was a patient complained something about him, and they were both called into the office.

Q. Was not the complaint by the patient that he had assaulted him? A. I think it was.

Q. And do you know what the character of that assault was? A. I don't remember.

Q. You don't remember? A. No, sir.

Q. Well, what was done with Healey at that time? A. The complaint was investigated. Both sides were heard. The patient was one that had been there several times before—and Healey was told that if he was known to use any more—to drink any more he would be discharged.

Q. But he was sent back at that time? A. Yes, sir; he was sent back at that time.

Q. How many times had Healey been charged with drinking before, do you know? A. Oh, I think that was the second time.

Q. Do you recollect the fact that two weeks previous to the case just mentioned in July he had been—that he went out Saturday night on a pass and came in very drunk on Sunday night? A. No, sir; I don't remember that.

Q. Will you say it was not so? A. I will say I don't remember.

Q. You recollect that he was taken to the insane ward at that time and then put back by you to take charge of the patients on Monday morning? A. I know he was taken there once. I don't remember whether that was the day or not.

Q. You recollect he was taken to the insane ward and put back by you to the patients' ward? A. Yes, sir.

Q. How did you come to do that, doctor? A. Well, because I thought it was best—to give him another trial, another opportunity. The ward that he is in is the syphilitic ward, the venereal ward, and a ward that everybody ain't looking for, and I will say when he was himself he was a good nurse, far above the average nurse. That is the reason he was put back.

Q. And was that one of the reasons why you bore with him? A. That is one of the reasons; yes, sir.

Q. Well, he was drunk quite frequently, was he not, doctor—you knew that? A. He may have been. I knew of it once or twice, or perhaps three times—something like that.

Q. Once or twice or three times would not be enough for you to discharge a good nurse, would it? A. That would depend on the circumstances.

Q. In a syphilitic and venereal ward, doctor—that wouldn't have been enough for you to discharge Healey, would it? A. It might.

Q. You knew it was something more than the fact that he was drunk two or three times? A. It was on account of drinking.

Q. Not two or three times, but that he had been persistently? A. I discharged him because I told him I would do it if he did so again. That is why he was discharged, and then denied it.

Q. Do you recollect James Ferguson? A. I recollect Ferguson; yes, sir.

Q. Do you recollect whether he was ever drunk? A. Yes, sir.

Q. And taken to the insane ward by two nurses? A. No, sir.

Q. You don't recollect that, doctor? A. No, sir.

Q. You don't say that it did not take place? A. I don't think it did, but I don't say so.

Q. Do you know how often he was in that condition? A. Oh, no; I don't.

Q. A few times? A. Sir?

Q. Several times? A. Oh, perhaps so.

Q. Well, doctor, the nurses at the hospital generally are of a drinking kind, are they not? A. A good many of them when they go on pass, I presume likely they take a drink—two or three drinks.

Q. Well, they come back feeling under the influence of liquor. Isn't that usual? A. No, sir.

Q. It is not usual? A. No, sir.

Q. Of the nurses, the male nurses, that are employed at the hospital, how many of them when they go out on a pass drink liquor, to your knowledge, doctor? A. Well, to my knowledge, I don't know. I won't say any man drinks unless I see him.

Q. Then you don't know anything about it at all, and you don't know the extent of their drinking unless complaint is made to you

and it is brought to your attention? A. I judge by their appearance and actions.

Q. A man must appear so to you as you see him, the moment you pass him by, or else you notice that? A. No, sir.

Q. You do not look after drunkenness in the hospital on the part of nurses and attendants? A. Sometimes; yes, sir.

Q. Without there being any occasion for it? A. Yes, sir. Without their seeing anything of it.

Q. Is it not a fact that by reason of the character of the employment of nurses in the hospital that most, if not all of them, drink liquor to excess at times? A. I don't understand exactly what you mean. The people—we get the class of people that are people who take a drink occasionally, sometimes—from the same class of people that work at any other vocation.

Q. What is supposed to be the duty of a nurse in your hospital? A. To look after the patients in their ward.

Q. How many nurses are there to a ward? A. One.

Q. One nurse to a ward? A. That is with the exception of the insane wards, and there there are two.

Q. But the sick wards have one? A. Yes, sir. The sick wards have one.

Q. Then there is a night nurse and a day nurse? A. Yes, sir.

Q. Different nurses act in the day and different ones for the night? A. We have three night nurses on each side besides the night watchmen.

Q. Those night nurses are not day nurses? A. No, sir.

Q. At no time were they? A. Not night nurses were not.

Q. Do you mean, doctor, that at no time was a person asked to act as a night nurse who had already acted as a day nurse? A. If you will allow me to explain that I will do so.

Q. I will allow you to explain it in a moment. I simply first want an answer to my question, and then you can explain if the answer needs explanation. This was my question: At no time was

a person who had been employed as a day nurse asked to act as a night nurse? A. Yes, sir.

Q. Very well. Now you can explain if you wish to? A. That came about in this way. We have a corps of night nurses, and if one of them was away—if there happened to be a vacancy in our staff of night nurses, or if we needed an extra nurse—we might have a patient there that would require two nurses for the night, and under those circumstances there was a day nurse put up at night, and after being up at night he was supposed to have his day off to go where he pleased the next day. That is the way it was.

Q. How often does that occur, doctor? A. Oh, that might occur once a month, and might occur every three weeks, and might not occur once in three months.

Q. Now, what time of day ordinarily does your duty end? A. You mean the nurses' duty?

Q. No—your duty as superintendent? A. My duty?

Q. Yes, sir? A. It begins at 12 o'clock one day and ends at 12 o'clock the next day for a day's work.

Q. Oh, you know what I mean, doctor. When do you go to bed usually? A. Between 11 and 12 o'clock at night.

Q. And you do not get out of bed until the morning unless you are called by something happening? A. Not unless I am called—unless I choose to get up.

Q. You have the ordinary business hours that a physician might have in the city, going to bed at night at the ordinary hour and getting up at the ordinary time in the morning, unless called up by special business? A. Yes, sir.

Q. That is true? A. Yes, sir; that is true.

Q. You going to bed at 10 or 11 o'clock, and the assistant superintendent and interne, who is up all night every night? A. No, sir. They are not up all night.

Q. So that the hospital and the patients when night comes are in charge of these nurses, the night nurses? A. They are in charge

of them anyway. We go to bed unless there is something to keep us up.

Q. You go to bed and the patients are in charge of the night nurses unless something special occurs to call out the physicians?

A. Unless there is something special or some confinement case we are supposed to be in bed at reasonable hours. There is no one stationed up at night.

Q. There is no physician stationed up at night at all? A. No, sir.

Q. So that the hospital unless something special occurs is in charge of the three nurses, three to a side? A. If you choose to call it so. Yes, sir.

Q. Well, don't you? A. No, sir.

Q. Why not? A. I don't think it is.

Q. You say not a physician is up — neither the superintendent or the assistant superintendent is up. They have all gone to bed, so that so far as wide awakesness is concerned, the patients are simply in charge of the night nurses, if they are wide awake. That is true, is it not? A. Those are the facts in the case: if there is nothing to keep us up we are supposed to be in bed. There is no physician stationed up. That is the best I can answer it.

Q. Have wards 10, 11, 12 and 13 night nurses, or a night nurse? A. The insane ward has a night nurse.

Q. What ward is that? A. Thirty-one on the men's side.

Q. I didn't ask you that. I asked you about wards 10, 11, 12 and 13 — have they a regular night nurse? A. They with some other wards have — not they alone haven't.

Q. How is that? A. We did not think it was necessary for them to have them.

Q. What class of cases are in those wards? A. Consumptives are in ward 10; nervous cases are in ward 11; the eye cases are in ward 12, and the general diseases are in 13.

Q. Fever. A. Yes, sir.

Q. In ward 13? A. When we have any. Yes, sir.

Q. Have you any now? A. Yes, sir; we have just now, yes, sir.

Q. Have you a couple of typhoid cases in ward 13? A. I think there are. There is one, and I think there is two.

Q. Were they brought in from ward 2 do you know, doctor? A. I think one of them was.

Q. Were not both of them? A. I think not.

Q. You are not sure about it? A. Not positive; no sir.

Q. Was it not true that these cases of typhoid arose by reason of the very execrable sanitary conditions there? A. I don't think so. I don't think they were both brought from ward 2. Our records will show where they were sent from and where they were sent to — where taken from.

Q. Now, if a patient in ward 10, 11, 12 or 13 gets suddenly ill during the night, and those wards have no regular night nurse, what does he do? A. The nurse that is on the next floor makes his regular rounds in those two floors.

Q. Has it ever been known in the hospital over which you are the superintendent, that a night nurse, whose duty it was to attend to certain wards, went to sleep and slept all night? A. No, sir.

Q. You never heard about that? A. Not that he slept all night; no, sir.

Q. Well, slept part of the night? A. Yes, sir.

Q. How do you know that he slept part of the night? A. I found him asleep.

Q. How did you find him asleep? A. I was through the hospital and found him.

Q. How did you come to go through the hospital that night? A. How did I come to go through?

Q. Yes, sir. What called you through? A. Oh, I thought I would go through.

Q. You were not called for? A. No, sir; I was not called.

Q. Do you know what time of night it was that you found him asleep? A. Probably 10, 11, 12 or 1 o'clock.

Q. So that his sleep had only practically commenced? A. I don't know.

Q. You woke him up, did you? A. He woke up before I went out.

Q. Did you wake him up? A. Not intentionally I did not in this case; I think when I was going out that he woke up; I was going to do something else with him.

Q. Now, if you hadn't come there and caused him to be wakened in some way, or if the noise of your coming or something of that kind did not cause him to wake he might have slept there all night? A. Yes, sir; that might be.

Q. It is not an impossibility for a nurse to go to sleep there—no physician making his rounds? A. There is no physician around every night; no, sir; he would miss his supper if he slept all night.

Q. Yes, that is about all; but the patients might die? A. Yes, sir.

Q. While he missed his supper? A. Yes, sir.

Q. Did you have any such case, doctor, where a patient became very much worse during the night by reason of the failure of the night nurse to attend him? A. Not that I know of.

Q. Do you recollect the case of Sherman who was taken violently ill in ward 1 and nobody to attend him? A. I don't remember the case; no, sir.

Q. He was suffering from typhoid fever, the nurse was asleep, and he was caught running around in his night shirt violently insane. Did you never hear of that? A. I don't remember of hearing of any such case; no sir.

Q. You recollect the case of Otto Sherman, admitted May 10th? A. No, sir.

Q. This year? A. No, sir.

Q. He was admitted May 10, 1895, to ward 2, and on July 8th he was transferred to ward 13, suffering from typhoid fever. A. He was admitted on May 10th —

Q. And sent to ward 13, July 8th? A. I know there was one sent there. I don't remember what the name was.

Q. Do you recollect the Michael McBride case, admitted June 13th to ward 2 and transferred on July 19th—he was suffering from typhoid? A. I don't remember all these circumstances. They are all on the books. If the books say so why it is so.

Q. The question is whether these two did not contract typhoid fever in that ward? A. I don't think they did. I don't know.

Q. How did they get it? A. I don't know.

Q. They were two months in ward 2 before they were sent to the typhoid ward; how did they get it if they did not contract it there? A. That I couldn't say, sir.

Q. What is the condition of those two patients in ward 13, suffering from typhoid fever? A. There is one of them very sick.

Q. And likely to die? A. He was—we thought he would a week ago; but up to yesterday morning, for the past few days, he has been improving; I haven't heard from him since then—he may be worse now.

Q. You recollect the visit of Commissioner Simis with Mr. Pladwell, lately, at the hospital? A. Yes, sir.

Q. Do you know whether inquiries were then made about these two men suffering from typhoid fever? A. I don't think so; I don't know—might have been and might not; I don't remember.

Q. Don't you recollect what the talk was with you about them? A. There might have been a talk with me.

Q. Do you recollect Mr. Pladwell asking you then whether there were such patients there? A. I don't remember it.

Q. Has there been any special care given to those patients since that visit of Commissioner Sims and Mr. Pladwell? A. Any special care given them?

Q. Yes, sir; more than they had had before? A. No, sir; not that I know of; we have given them all the care we could; I don't know as we have given them any more since their visit.

Q. Who attends them? A. What physician?

Q. Yes, sir? A. Doctor Stratton has charge of that ward now.

Q. He is one of the internes? A. Yes, sir.

Q. Is he the only doctor that attends them? A. He has his visiting physician.

Q. Who is the visiting physician? A. Doctor Townsend is on that service.

Q. He is one of the hospital staff, is he not? A. He is one of the visiting physicians; there is what we call a staff association; he is not one of the internes.

Q. How often does he visit the hospital? A. Once or twice a week; oftener if necessary, if he is called on.

Q. Do you see for yourself the urgent cases in the hospital? A. No, sir.

Q. Not at all? A. Not only in a general way—not unless there is something very specially urgent, then I see them.

Q. How is that, doctor? A. They are under the visiting physicians who are appointed for that purpose.

Q. That is not one of the duties then of the superintendent? A. No, sir; not now.

Q. Not now? A. No, sir.

Q. Was it ever? A. Yes, sir; it was.

Q. When? A. Up to March, 1892, I think.

Q. Up to the time you left? A. Up to later, after I left.

Q. And how was that change brought about or made? A. Well, that was made through the commissioners, on the recommendation of the superintendent, together with the superintendent.

Q. That he should have nothing to do with the medical examination of the patients? A. That they should have a visiting staff and that visiting staff assumes control of the medical treatment of the patients.

Q. And the internes are then in charge of the hospital subject to the visits of the staff of visiting physicians? A. Yes, sir.

Q. Then even the assistant superintendent, who is also a physician, has nothing especially to do with the patients? A. With the treatment, no, sir.

Q. With the treatment? A. Nothing especially.

Q. Then there is no object in having physicians as superintendent and assistant superintendent? A. Some hospitals do not have them.

Q. There is no special object to be subserved in having a physician who is not called upon to treat the patients? A. There is a difference of opinion about that.

Q. What is that? A. I say there is a difference of opinion about it.

Q. These internes are always young men? A. They are different ages—usually young men.

Q. When I say young men I mean young in the practice of their profession? A. Usually; yes, sir.

Q. Well, do you mean that an interne is frequently or ordinarily or at times an old practitioner? A. Well, they are what they consider old practitioners; they are not as old as I am, any of them.

Q. Aren't internes usually taken from the graduates of hospitals? A. Yes, sir—usually; sometimes they have been graduated two or three years—I have had them there of that kind.

Q. But the usual internes? A. They are usually taken from the graduating class.

Q. From various hospitals? A. From various colleges.

Q. Can you tell whether these internes in your hospital are from any particular hospital—graduated from any particular college or hospital? A. Well, some are—I can tell you where they are all graduated from.

Q. I would like to know, doctor? A. Some from the Long Island College, some from the University of the City of New York, some of them from the Jefferson Medical College and some of them are from the University of Pennsylvania—that is this year; those are this year's.

Q. Are there more from the Long Island College and from the University of the City of New York than from the others? A. Yes, sir.

Q. They are principally from those two institutions? A. I think there are four from Long Island and two from the University of New York city, and one from Jefferson, and one from the University of Pennsylvania.

Q. How are these internes appointed? A. By competitive examinations.

Q. By what? A. By the result of a competitive examination.

Q. Who are the examiners? A. A committee appointed by the staff association of the hospital.

Q. And what constitutes the staff association of the hospital? A. It is the consulting and the visiting staff of the hospital.

Q. Who are they? A. What is that?

Q. Who are they? A. There are about thirty-two or thirty-three of them; they are physicians —

Q. All residents of Brooklyn, doctor? A. I think they are; yes, sir.

Q. And do they all visit the hospital at times? A. They do at times; yes, sir.

Q. Who is the physician that visits the hospital the most from the staff? A. We make a distinction between a physician and surgeon.

Q. Well, a physician is usually a surgeon and a surgeon is usually a physician? A. They come to us as surgeons; if you mean the doctor, individually, that visits most often, I can't tell you; there are two or three about the same.

Q. I would like to know Dr. Arnold? A. Dr. Bristow, Dr. Barber, Sr., and Dr. Barber, Jr.

Q. Well, you mentioned Dr. Townsend? A. And Dr. Townsend.

Q. Dr. Duryea? A. Dr. Duryea, he is one of them; Dr. Dickinson, Dr. Van Cott, Dr. Wilson, Dr. Bates, Dr. Rand.

Q. You have mentioned now quite a number; are these all physi-

cians simply on the staff, or are they visitors? A. I am mentioning the members of the association.

Q. Do all of these visit the hospital regularly? A. The visiting staff visit the hospital regularly when it is their term of service.

Q. That is the visiting staff? A. That is the visiting staff, and the consulting men come when they are called.

Q. The visiting staff have regular days for visiting the hospital? A. Most of them do unless they are called extra; they come any time—any time that they are sent for—in any emergency.

Q. Do they have regular days for coming? A. Most of them do—yes, sir.

Q. What are the regular days for the visiting staff? A. That is a matter which they arrange among themselves.

Q. You do not see them? A. Sometimes I do and sometimes I do not.

Q. Is every day a day for a member of the visiting staff to call? A. Some one of them—yes, sir.

Q. So that there is a member of the visiting staff of the hospital, calls there every day? A. Practically, they are supposed to; we have a record that is right in the office, that will tell just when they have been there and who they were.

Q. You have not got that record? A. I didn't bring it with me—it is on the table there in the office.

Q. It would show when they called, and who called, providing they signed their names? A. It ain't very often that they miss it; they are too anxious to have us know that they have been there, to forget it.

Q. It is not a fact that every day a member of the visiting staff is there—is it, doctor? A. Well, that I can't answer; I would have to look at the book.

Q. So that, practically, this hospital is run by these internes—for all practical purposes it is run by the internes so far as the patients are

concerned—that is right, is it not, doctor? A. I do not consider it so.

Q. If the internes have charge of all the wards, and if you and the assistant superintendent have nothing to do with the patients, so far as prescribing is concerned, the internes have all to do with it until a visiting member of the staff comes along, who is simply used as a consulting physician—is he not? A. No, sir; he is not used as a consulting physician.

Q. What then? A. He is used as a directing physician—like any other hospital in the city here.

Q. But he is not there during the night? A. Not unless he is called.

Q. And when he does come he visits all portions of the hospital? A. Yes, sir.

Q. And how many patients are there? A. All portions? No one man visits the whole hospital; it is divided into services.

Q. There is a visiting physician for the consumptives and for the fever stricken, and a visiting physician for the venereal ward and so forth; is that the idea? A. Yes, sir; for that service—general medicine, surgery, venereal service and skin disorders and that sort of thing.

Q. Nervous diseases? A. Yes, sir, and an obstetric department.

Q. And so when the visiting physician comes there he goes to the particular ward or wards to which he is accredited? A. Yes, sir.

Q. How many patients are there in the hospital now? A. As I remember the last weekly report gave 560.

Q. Altogether? A. Patients; I think it was 560.

Q. And you say there are 8 internes? A. There are 8 internes?

Q. And how many nurses and attendants? A. There are about 40; of course those matters are all on our books; I do not pretend to remember them.

Q. Of those 500 and odd patients do you also include the insane—the temporary insane? A. The insane that are in the hospital?

Q. In the hospital? A. Yes, sir.

Q. Do you know what ward the insane are in? A. What ward?

Q. Yes, sir? A. Thirty and 31 is their number.

Q. What is ward No. 29? A. Those are for alcoholics.

Q. Delirium tremens? A. Mild cases of tremens; it is for alcoholics—people that have been drinking.

Q. The night nurse in the alcoholic ward has a pretty good job on hand, has he not, doctor? A. Well, I don't understand quite how you mean that; he might have a good fat job or he might have a terrible job; there are different ways of looking at it.

Q. He has hard work, has he not? A. Not necessarily.

Q. There is more work in the alcoholic ward than there is in the consumptive ward for instance? A. There might not be; no, sir.

Q. Isn't the alcoholic ward usually full of wild people? A. No, sir; if they are wild they are put in 31; those that we can trust in an open ward are put in 29.

Q. Is there any difference in the construction of wards 29 and 31?

A. There is a little difference; 31 is on the end of the house—the end of the building; it has got two additional windows that 29 has not.

Q. Are all the windows barred? A. The windows in 31 are barred more than 29—they are all barred—but they are barred more in 31.

Q. And grating at the door? A. In 31—yes, sir.

Q. In 31? A. Yes, sir.

Q. The object of the gratings and the extra bars is to secure the patients who are usually violent? A. To secure those that are insane and violent.

Q. How many nurses are there to ward 31? A. Two.

Q. Day and night? A. Two in the day time, and one nurse sleeps there and one who is awake.

Q. At night? A. At night.

Q. Does he sleep on the inside? A. He sleeps in the ward; yes, sir.

Q. Is that an attractive position for a nurse, to sleep with the insane? A. That I can't say.

Q. Did you ever hear it complained about? A. No, sir.

Q. Did you ever find any difficulty in filling that position? A. Not on that account—no sir.

Q. Well, on what account? A. That is, on account of having to sleep there.

Q. On what account have you heard it complained of? A. A good many don't like to be with insane people.

Q. Well, don't all the nurses sleep in the wards with their patients? A. No, sir.

Q. Where do they sleep at night? A. A large number of them sleep in part of our receiving ward—a nurse in the consumptive ward don't sleep in his ward—and there are several of them, some eight or ten I guess.

Q. Are there not nurses other than the insane ward who sleep in the ward. A. There are some, but not near all of them.

Q. How many of them are there that sleep in the same ward with their patients? A. There may be three or four—I can't tell you just how many.

Q. Didn't you state that to Commissioner Simis when he saw you lately, or to Mr. Pladwell, that the practice was necessary for the well being of the hospital, and by reason of this provision that the nurses must sleep in the same wards with the patients prevented you from getting the class of nurses that you might otherwise get? A. I said that that was one of the objections; I did not tell them that they all slept on the wards; if I did I told them a story; I said that was one of the objections of having them sleep on some of the wards.

Q. Well, what is the object of having night nurses that sleep at all? A. Oh, there is not any unless in case there should be occasion for help, and then it would take very little I suppose to wake up the night nurse; I don't know of anything else.

Q. Is it not the object of a night nurse to be awake? A. Yes, sir; but he is not a night nurse—he is simply sleeping there.

Q. What is the object of having a night nurse who sleeps? A. The object is if there was any trouble he would help the day nurse.

Q. How many nurses are there that sleep during the night? A. You mean—

Q. Night nurses who sleep during the night and are in the same wards with their patients? A. I do not understand what you mean.

Q. Or are these day nurses who sleep in the wards with their patients? A. The day nurse sleeps in the ward with the patients; no night nurse sleeps in the ward with the patients.

Q. So these are day nurses that, when they go to sleep, sleep in the wards with their patients? A. These that do sleep in the wards with the patients; yes, sir.

Q. Yes; you say there are four or five of these? A. Somewhere about there; I can't remember just how many.

Q. Where do the other nurses sleep? A. Those who do not sleep in the wards you mean?

Q. Yes, sir. A. They sleep in the receiving ward; our receiving ward is a double ward, and that is given almost entirely to the use of the nurses.

Q. That is ward 2? A. That is 4.

Q. Ward 2 is the receiving ward? A. Yes, sir.

Q. Yet there are patients in that ward? A. Yes, sir; I think there are three patients.

Q. And the other cots are occupied by the day nurses? A. Yes, sir.

Q. So that the nurses who worked during the day have no separate room provided for them to sleep in at night? A. No particular room; no, sir.

Q. They either sleep in one ward or the other ward with the patients? A. Yes, sir.

Q. And the night nurses are supposed to keep awake during the night? A. The night nurses are supposed to ; yes, sir

Q. What are the hours for the day nurses? A. From half-past 5 in the morning until 9 at night—half-past 8 or 9.

Q. Do all the day nurses rotate in doing night work duty in wards 10, 11, 12 and 13? A. Do they all rotate?

Q. Yes, sir. A. They do not rotate unless there is a night nurse happens to—unless we are short a night nurse.

Q. Are you not short now? A. Yes, sir.

Q. And you have been for how long? A. I don't remember just how long it is ; I don't remember ; perhaps it is four or five weeks ; we just at the present time have a day nurse that is acting all the time as a night nurse.

Q. Is it not a fact that you have been without this particular night nurse for some months? A. It may be ; I don't remember.

Q. And why didn't you fill that position, doctor? A. I haven't found anybody that I thought was suitable for it.

Q. Have you looked for anybody? A. And besides that we have a day nurse whose ward is disturbed by house cleaning and he has nothing else to do ; that is one reason I have not been in more of a hurry to get one.

Q. When a man does both day and night duty he works how long, doctor? A. Oh, he is on duty from—

Q. From 5.30 one morning to 5.30 the next morning? A. No, sir.

Q. What then? A. Oh, excuse me—yes, sir.

Q. Twenty-four solid hours? A. Yes, sir.

Q. Then you say the next day he can go off and sleep? A. He has the next day to himself.

Q. He has the whole day to himself? A. Yes, sir ; until 12 o'clock at night.

Q. And is that the time when they get a pass? A. No, sir ; that is additional.

Q. What is that? A. That is additional.

Q. Where does such a nurse go to sleep during the day? A. Well, he can go to sleep in his ward, or he can go — there is no special provision made for it.

Q. He can lie down in his ward? A. Yes, sir.

Q. But all the patients are up and awake, and there is the noise and bustle of the day? A. If he is a nurse that sleeps in the receiving ward, he can sleep in there; there are patients there that are there the year around, and they are not very noisy.

Q. Now, doctor, where a nurse works, as you say the day nurse does, from 5.30 o'clock in the morning, until 9 o'clock at night, and his turn comes to take the place of the night nurse, and then works after having worked a week all day, and then works all night, is it possible for such a nurse to keep awake all night? A. Yes, sir.

Q. Have you ever tried it, doctor? A. Me — I think I have.

Q. After you have worked a week from 5.30 to 9 o'clock at night, then work all day and all night, have you tried to keep awake? A. After I have worked 10 years, I have; yes, sir.

Q. What is that? A. After I have worked 10 years I have; a nurse that couldn't do that I shouldn't think was much of a nurse.

Q. And find no difficulty in keeping awake? A. I did it without any trouble.

Q. And you find the same thing to apply to your nurses do you? A. I don't know; they are supposed to be awake; once and a while one of them gets to sleep.

Q. I want to know this, doctor, when the day closes and the internes give directions to the nurses what medicines are to be given to the patients during the night, at what times, in what quantities, I want to know how they know, and how you know as superintendent, whether these directions are carried out? A. Well, we have to rely on somebody.

Q. Oh, I have heard so much of that in this investigation that I

would like to hear something else? A. I can't give you anything else.

Q. Then you rely upon the nurses? A. Yes, sir.

Q. And you rely upon the very nurses who you know at least occasionally get drunk; that is so, is it not, doctor? A. Those nurses are some of the nurses; yes, sir.

Q. So that if a patient needs medicine at a certain hour and a certain quantity and a certain time, and the nurse is either drunk or just getting over a drunk, that is the only person that that patient can call upon at that time? A. We don't put nurses that are drunk or getting over a drunk on duty; if they are in that condition we don't put them on night duty.

Q. Not if you know it? A. Not if we know it, and we usually do.

Q. But you don't know it? A. Well, we know pretty near.

Q. How do you know pretty nearly, doctor? A. We see them and know.

Q. How much do you see of the nurses? A. We see considerable of them.

Q. Well, doctor, what time do you dine there? A. What time do we dine?

Q. Yes, sir. A. At 12.30.

Q. At noon? A. Yes, sir.

Q. Then what time again? A. We sup at 5.30.

Q. After you sup at 5.30 what do you do—your residence is in the hospital proper where the wards are. A. I sleep there.

Q. Every night? A. Yes, sir.

Q. Have you a room for yourself? A. Yes, sir.

Q. Now, after you sup what do you do usually? A. I sometimes read the newspapers and sometimes I go around; sometimes I transfer the patients—sometimes one thing and sometimes another.

Q. You do that up to 9, 10 or 11 o'clock, and then you go to bed?
A. That is about it; yes, sir.

Q. Do you go through the hospital in its entirety every night in order to see the condition of the nurses? A. No, sir.

Q. Do you watch at the door when the nurses come in who have been out on a pass? A. No, sir.

Q. Now, is it a fact, doctor, that you can not and do not know the condition of the nurses at night before they go on night duty? A. Sometimes.

Q. But not every night? A. We do not put the nurse on.

Q. Flagrant cases that are reported to you you know of; that is so, is it not? A. I know of the cases reported to me; yes, sir.

Q. But do you stand at the door, or are you near to the door where nurses come in who have been out on pass during the day to see their condition before they go on? A. Those nurses don't go on.

Q. What nurses don't go on? A. Those that have been out on pass.

Q. Do any nurses go on who have been asleep during the day; do they go on at night—that have been asleep during the day? A. We don't tell them to go to sleep; I can't say whether they have been asleep or not; I suppose not.

Q. Do nurses get liquor in the hospital without the prescription of a physician? A. Well, I don't know how you mean; they might have liquor brought in.

Q. Couldn't they use a part of the liquor that is prescribed for the patients? A. They could.

Q. Do you know that they do? A. No, sir.

Q. You don't know that? A. No, sir — that we consider as one of the most serious offenses.

Q. Yes, I know; but suppose you prescribed liquor to be given at certain times during the night to the patient — that happens, doesn't it? A. Yes, sir.

Q. It happens particularly in pneumonia cases? A. That we give liquor in the night?

Q. Yes, that you give liquor? A. We give liquor to all classes of cases—pneumonia, typhoid fever and anything.

Q. Is it not possible that the liquor which is prescribed for the patients is used by the nurses? A. Is it possible?

Q. Yes, sir. A. Yes, sir.

Q. You never knew that to be done, did you? A. I don't remember whether I have or not—I may and may not.

Q. Did you ever know that internes would give prescriptions to a nurse for liquor, charging it to a particular bed in a particular ward when that particular bed and particular ward did not need the liquor?

A. Who is to decide whether they needed it or not?

Q. Where it was really for the use of the nurse? A. No, sir, I don't know that; no, sir.

Q. You never knew that? A. I never knew any such thing.

Q. Will you say it did not occur? A. I wouldn't say that it did not occur.

Q. Did you ever know that milk punches were made up for the nurses on prescriptions of the internes? A. No, sir.

Q. Those are things that have not been reported to you? Q. I did not know it; if I had, I should have remembered it.

Q. Did you know Michael Moran? A. I knew Michael Moran.

Q. A night nurse there? A. I know a night nurse by that name.

Q. And also another one by the name of Thomas Walsh? A. Yes, sir.

Q. Do you know whether they were in the habit of drinking? A. Well, I should say not; I don't know.

Q. Why should you say not? A. Well, from what I have seen of them.

Q. Did you ever hear of their drinking; were any reports made to you of their drinking? A. I don't know that there ever has been.

Q. Will you say that no report has ever been made to you? A. I don't remember that there has; I should regard them among our steady nurses.

Q. You don't recollect anything about it, do you, whether reports were made as to their drinking? A. I don't remember; no, sir.

Q. Who was the keeper of the morgue? A. The morgue out there?

Q. Yes, sir. A. John Pearl.

Q. Before I get to that, doctor, I would like to know what the condition of the hospital is as to sanitary arrangements: is it in good sanitary condition? A. It is not in a sanitary condition up to the teachings of the present day.

Q. Do you consider it in a fair, good sanitary condition as to the teachings of any day? A. It was up to the time that it was built.

Q. What is that? A. It was up to the time when it was built.

Q. Do you know when it was built? A. The picture of it says it was built in 1845, I think—the first part of it.

Q. So, 50 years ago? A. The west half of it.

Q. It was fair up to that time? A. I presume so.

Q. But hospitals and sanitary conditions in buildings, not alone in public institutions, have changed not only in fifty years but within five years in plumbing improvements? A. It is changing every year.

Q. And bettering every year? A. They are supposed to be.

Q. Well, ain't they? A. They are supposed to be.

Q. Don't you know anything about it? have you visited any hospital lately? A. Yes, sir.

Q. Any modern hospital? A. Well, comparatively modern.

Q. How lately erected? A. I guess six or eight years ago.

Q. Have you visited any hospital outside of the city? A. A. Not recently, I haven't; no sir.

Q. Have your visits to the hospitals been limited to the city? A. Yes, sir; this city and New York city.

Q. Can you describe what the closets are for the wards in your hospital—the situation and sanitary condition? A. You mean by that the whole thing?

Q. The water-closets, yes sir; let me lead you on that: there is one closet to every ward; is that right? A. Yes, sir.

Q. And that closet has one seat? A. That closet has one seat.

Q. And that closet is situated in the corner of the ward? A. Yes, sir.

Q. And there is around it a low partition which does not come up to the ceiling of the ward? A. No, sir.

Q. And next to the seat is a bath tub? A. On one side of the closets are the bath tubs.

Q. On one side of the closets are the bath tubs; all the fumes and odors of that closet necessarily by reason of the partition not going up to the ceiling, and no vent being to the closet, go into the ward? A. There is no vent, and the partition does not go to the ceiling.

Q. And consequently the odors and fumes of that place come out again into the ward? A. Well —

Q. Must necessarily? A. Yes, sir.

Q. It does not take a sanitary expert to come to that conclusion, does it? A. No, sir.

Q. Do you consider that beneficial to the patients in the ward? A. No, sir.

Q. You have yourself reported upon this condition of the hospital frequently, have you not? A. Yes, sir; I have asked to have—I have reported on that.

Q. Frequently? A. I guess three or four times; I have spoken about it several times, and recommended it and so forth.

Q. Do you consider it fit for use? A. I think it would be better if those closets were removed.

Q. Do you consider in its present condition it is fit for the use of sick patients? A. Yes, sir.

Q. You do? A. Yes, sir; because our ventilation is good.

Q. Didn't you use this expression, that the hospital is old, antiquated and unfit for use? A. No, sir; I don't think I said it was unfit for use; I said it was old and antiquated.

Q. But you never said it was unfit for use? A. I don't think so.

Q. You are sure about that? A. No, sir.

Q. But if you did say that you did not mean it? A. I wouldn't say it was unfit for use.

Q. Unfit for use as a hospital? A. I wouldn't say it was unfit for use as a hospital.

Q. You don't think it is unfit? A. I don't think it is up to the present buildings.

Q. Do you consider that a hospital which means a place for the care of the insane and the care of the sick, is fit for use whose sanitary condition is such that the water closets are stationed in one corner of a room where the sick are and where the odors can go back into that room? A. That would depend on what your ventilation is aside from that.

Q. There can not be much ventilation there in the winter time? A. It is pretty good.

Q. How—by the windows? A. It is what I call very fair ventilation; I consider the ventilation in that hospital very good.

Q. You mean by the windows? A. Yes, sir.

Q. Do you consider ventilation by the windows proper ventilation in the winter time? A. Some days in winter, yes, sir.

Q. You know, doctor, that that is not what I mean; I did not ask you about some days in the winter-time; I assume that there are some warm sunny days in winter when it would be wise to open the windows, but do you consider that a proper modern method of ventilation in a hospital for the sick people? A. It is good ventilation.

Q. Do you consider it proper ventilation? A. I consider that the ventilation is good.

Q. Do you consider that a proper method of ventilation? A. I consider it very good.

Q. It is a proper method of ventilation where you are compelled to open a window where there are sick people in the winter-time—you consider that a proper method of ventilation? A. I consider it just what I say—very fair ventilation.

Q. You understood my question, did you not, doctor? A. Well, I don't know.

Q. What is that? A. I don't know whether I did or not.

Q. I would like you to understand it; I asked you whether that is a proper method of ventilation? A. If I was going to build new, I should not have it.

Q. It is not proper? A. It is not the way I would build at the present day.

Q. How many patients are there, doctor, in a ward? A. Different wards, different numbers.

Q. Well, you take a ward in which there are consumptives—how many are there in there? A. Well, there are from—probably now about fifteen, I don't know just how many.

Q. And fever patients how many? A. Our fever ward is a double ward—that is probably thirty and perhaps thirty-five—I don't remember now.

Q. Now, there are how many beds to a ward ordinarily? A. The single wards there are from ten to twelve—some have ten and some eleven and some twelve.

Q. So that if there are more patients in that ward than there are beds, what do you do with them? A. Then they are given beds on the floor—cots on the floor.

Q. That is done very frequently now? A. Yes, sir.

Q. By reason of overcrowding? A. Yes, sir.

Q. What is the capacity of the hospital, doctor? A. We consider it about 400.

Q. And you say there are about how many there now? A. I think there are about 560 according to last week's report.

Q. So that 160 must be bedded on the floor? A. Yes, sir.

Q. Do you consider bedding on the floor in an apartment where a person sleeps alone a proper method of bedding? A. No, sir.

Q. And that would be still increased and made worse by being in a ward where there were many sick people? A. Yes, sir.

Q. The worst ventilation is on the floor, is it not? A. The worst ventilation?

Q. Yes, sir? A. The purest air is considered to be nearest the floor.

Q. Nearest the floor? A. Yes, sir.

Q. Does not bad air sink to the floor? A. Not that I am aware of; it is generally considered that the best air is at the floor.

Q. Then why do you say it is the worst place to bed? A. I don't think it is proper to place the beds on the floor anyway, either bad or good.

Q. Then about 160 patients are bedded on the floor? A. Just at the present time; yes, sir.

Q. That changes to less or more, as the case may be? A. Yes, sir.

Q. Did you ever know of complaints being made by patients who were ill and could not reach the closets in time and season, complaints made by nurses? A. Complaints made by patients, you mean.

Q. Yes, sir; complaints made by nurses by reason of the lack of closets and that patients were unable to reach the closets? A. No, sir.

Q. Never heard of that? A. No, sir.

Q. Did you ever know of the fact that there were 5 or 6 patients in a closet at a time? A. I never heard of such a thing and don't know why it should be.

Q. You don't know why it should be? A. No, sir.

Q. If there were 15 patients in a ward, where there should be but 10 or 12, and there is but one seat in the closet, and they all by reason of some medicine that has been given to them, 4 or 5 may have to go to the closet at one time—that could happen, couldn't it, doctor? A. Most anything could happen.

Q. Well, that could happen, couldn't it? A. It would be strange to have it in that way.

Q. It might happen in a private house, to say nothing about a hospital? A. I don't see how it could happen in there; our patients

are not all up going to the closet; we have to use bed pans at some time; they are not able to go to the closet.

Q. And, of course, there are sufficient nurses to get them? A. If four or five should want them at once I don't know as there would be.

Q. You never have heard any complaints for lack of closets? A. No, sir.

Q. Neither by patients, nurses or doctors? A. Never thought of such a thing—never heard of such a thing.

Q. Have you, yourself, noticed the result of this peculiar kind of ventilation in the wards where the closet is situated, as you have mentioned? A. Peculiar results?

Q. Yes, sir? A. No, sir.

Q. Haven't you noticed any—the result upon the nurses and upon the patients, and sleeping in a room where this odor came constantly from the closet and bath tub? A. Have I noticed any peculiar results?

Q. Yes, sir; that is what I want to know? A. No, sir; none whatever; I don't recall any.

Q. You do not consider the two typhoid fever patients any peculiar result? A. Not necessarily I wouldn't; no.

Q. Well, doctor, don't you say that those two typhoid fever cases may have contracted their disease in that ward and in that way? A. I said they may have; I say so now, if I didn't then.

Q. Can you give any other reason for their contracting typhoid fever than that of their being in that ward two months? A. I won't answer that.

Q. Why not? A. I prefer not to answer it.

Q. Well, why not? A. There is a question about that typhoid fever matter.

Q. There is a question whether they have got it? A. No, sir; there is a question as to how it is gotten.

Q. What is the question? A. The question is where it is gotten from.

Q. Have you discovered where it came from? A. No, sir.

Q. Has anybody else? A. I don't think that there has.

Q. Is it being investigated? A. I don't know that it is.

Q. What is the question in your mind that seems to agitate you, and you refuse to answer? A. I am not agitated.

Q. What is that? A. I am not agitated; I don't get agitated.

Q. Why did you decline to answer? A. Because I am not positive enough; there is a question where typhoid fever comes from any time; typhoid fever is all around us.

Q. Yes; the germs are all around? A. The typhoid fever is around in the different towns where we hear from; there is a question about it, and that is the only reason.

Q. Typhoid fever is usually caused, ordinarily caused by filth, bad atmosphere, bad plumbing, bad water, is it not? A. It is.

Q. All those, or any of those, can conduce to typhoid fever? A. All those things are supposed to be conducive to it.

Q. Have you discovered any other reason for those two patients getting typhoid fever than that? A. No, sir; I have not.

Q. Do you consider it proper that nurses should sleep in the wards? A. I don't think any more ought to sleep in the wards.

Q. Do you consider that a proper sanitary arrangement—that these closets and bath room should be in the wards? A. I should prefer they should be away from the wards; I think it would be better.

Q. Do you consider it a proper arrangement as they now are, doctor? A. No, sir; I do not.

Q. That arrangement can in no wise be conducive to the health of patients, can it, doctor? A. No, sir—I don't think it can; I don't see how it could.

Q. Have you had complaints from patients regarding their treatment by nurses at night? A. At night?

Q. Yes, sir. A. I have by night and day.

Q. And do you always investigate those complaints? A. Usually.

Q. But not always? A. No, sir—I won't say that I did always.

Q. Why not? A. They may be from patients that are complaining continually and I know what their complaint amounts to—I have listened to it before; and in every one I wouldn't say that I have.

Q. That is to say, the oftener the patients complain the less likely it is to be investigated? A. That depends on the patient; if he has been there two or three years and has been complaining there for two or three years, I don't always look after it.

Q. What were the complaints about—the character of the complaints? A. I don't remember; there is hardly a day goes by but what we have complaints of some kind or another.

Q. Has there been complaints of brutality on the part of the nurses? A. There might have been—I presume likely there was.

Q. Doctor, you are too intelligent a man to reply to me in that way; you know whether there were or were not complaints of brutality; we know there might be; we know there might be complaints of murder, but I am asking you whether they did not complain to you of the brutality of the nurses? A. I think this man that you spoke of—

Q. Healey? A. Healey—I think, there was a fellow complained of him; I don't know whether he pushed him or struck him or called him bad names—I think that is it as I remember; as I remember it, that is it.

Q. Weren't complaints made against Peter Burns and John Donovan for brutality at various times? A. No, sir—not that I know of; I don't remember.

Q. Do you keep a book of complaints? A. No, sir.

Q. There is no record of them? A. No, sir.

Q. It would be a pretty full book if you had to make a memorandum of all the complaints made? A. Depends upon the size of the book.

Q. But there would be pages filled every day? A. If the pages were not very large there might.

Q. For there are complaints every day? A. Pretty nearly.

Q. And are all the complaints made to you or to the internes? A. To all of us—everybody connected with the institution.

Q. Do the internes report all the complaints made to them to you? A. I hardly think so.

Q. So you only know a portion of the complaints? A. Only some of them.

Q. So that in order to get all the complaints made throughout the institution, a person would have to inquire from all the physicians in charge? A. All the people in the institution; not physicians alone—everybody.

Q. Physicians, nurses and attendants? A. Yes, sir, everybody.

Q. What is the general character of the charges made—brutality or inattention? A. Oh, inattention, generally; perhaps they have to sleep on the floor or somebody has to sleep next to them that they don't like, or—well, something about like that; that is what the majority of them are—that they ought to have milk punch or ought to have some whiskey, and the doctor won't give it to them; I don't know what they all are.

Q. They are complaining of the nurses—that they are too gruff and disagreeable? A. Complaining of everybody from myself down.

Q. Even you are the subject of complaint? A. Yes, sir, indeed I am.

Q. Then the many years' experience you have had in the hospital does not in the eyes of the patients make you a perfect man, doctor?

A. Not at all; it makes me a little worse, I think—I know too much about them.

Q. Doctor, do you recollect what improvements were made in the hospital during the years 1890, 1891 and 1892, while you were there?

A. No, sir, I do not; our plumbing arrangements were all made over; I have forgotten whether it was in 1890 or a year or two before; there were new bath tubs and closets put in all the wards; the closets used to have only—each of them had a hopper, the closet proper, but not all

of them had a bath tub and they were made over somewhere around that time—I think a little earlier—and a bath tub put in there, while that enclosure that you speak of was made larger and was cut down so that it didn't reach towards the ceiling, so that the circulation would be better.

Q. So that the circulation would be better? A. Yes, sir.

Q. So that it would circulate better into the ward? A. Yes, sir; the whole thing—and I think it was done somewhere about that time—but I think a little previous to 1890.

Q. Do you recollect any particular improvement made during the years 1890, 1891 and 1892 in the hospital, whatever their character, from the time that Gott, Nolan and Murphy took possession until the time that you resigned? A. I don't recall any.

Q. If anything important had been done, doctor, you would have noticed it? A. No, sir; I don't recall any; we had the usual cleaning, whitewashing, painting and so forth.

Q. Was that done by the inmates? A. Yes, sir; in the hospital it was.

Q. But did you have any work done where a force of mechanics became necessary? A. I had no work done.

Q. Was there any work done when mechanics came into the hospital or on to the roof of the hospital and did work? A. I don't remember; that is something I had nothing to do with.

Q. Do you recollect the fixing of a piazza, the building of a piazza at the hospital? A. Do you mean the rebuilding or repairing?

Q. Yes, sir. A. I remember it has been repaired or rebuilt.

Q. Do you know when that was? A. No, sir.

Q. That was done before you resigned, doctor? A. It has not been done since I came back.

Q. So it must have been before you came back; do you know how long it took? A. No, sir.

Q. Do you know how many people were at work on it? A. No, sir.

Q. You do not? A. I paid no attention to it; it was none of my business at all.

Q. Was the entire hospital building painted during the time that you were there in 1890, 1891 and 1892? A. I think it was painted as I remember it.

Q. And do you know how long it took to paint it? A. No, sir.

Q. You have no recollection as to the time at all, doctor? A. No, sir; I haven't the remotest idea.

Q. Do you know whether it took six months or a year? A. No, sir; I don't remember; I have forgotten all about it.

Q. Do you remember the greatest force of mechanics that you ever saw at the hospital? A. No, sir.

Q. You can't tell whether there were one or a dozen? A. No, sir.

Q. It is a matter that you did not pay any attention to? A. It is a matter I had nothing whatever to do with.

Q. I don't agree with you, doctor? A. Well, that is a difference of opinion.

Q. If you saw strange people in the building when you came there you couldn't help but take notice of them? A. Yes, sir; I might, and would probably find out that they were painters or blacksmiths and pay no further attention to them.

Q. You would know how many there would be? A. I might know.

Q. What is that? A. I might know, I say.

Q. They wouldn't come there as painters, blacksmiths or carpenters, unless you asked them to come, would they; they came on your requisition? A. No, sir; that it in our engineer's department.

Q. Do you mean to say that the engineer would send mechanics there to repair without knowing anything about the repairs? A. They would repair the piazza.

Q. I am speaking of the inside of the building? A. He repaired the piazza.

Q. Well, the piazza is not the inside of the building? A. It was right up to the inside.

Q. But not on the inside? A. It was right up to the inside but not on the inside.

Q. I want to know this, whether the inside of the building—the inside of the brick building, the hospital—whether that would be repaired without your knowing anything about it? A. Probably not.

Q. What do you mean by “probably not?” A. I don’t think it would.

Q. No; now we have got that; if you had to send a requisition to the chief engineer to send men there to repair the inside of the building you would, of course, in the line of your duty as superintendent, see that the work you required to be done would be done, would you not? A. I may have; I couldn’t answer that unless you let me make a little explanation.

Q. Well, tell us about it? A. The only thing is this: I may send a note to the engineer that such work was required to be done and he would send his people to do it; now I wouldn’t pay any more attention to it until it was done.

Q. Wouldn’t you see that it was done properly or as you wanted it? A. I might do that; yes, sir—but not as to the length of time or how long it took; as long as they behaved themselves I paid no attention to them.

Q. At the time they were putting up these bath tubs there you saw them at work? A. Yes, sir.

Q. And don’t know how many worked then? A. As near as I can remember there was but one; that was a plumber—a plumber and a carpenter.

Q. You had requested that the work be done, had you not, doctor? A. Yes, sir; I thought it was best to be done.

Q. Do you recollect the names of the carpenter, and of the plumber? — was it Altenbrand, the carpenter? A. No, sir.

Q. Murphy? A. No, sir; this was way back, you know.

Q. You say it was about 1890? A. Yes, sir; I think Connolly was the plumber.

Q. And neither Murphy nor Altenbrand were the carpenters? A. No, sir; I won't say about Altenbrand; he never did much work on the hospital since I have known him; that is, he was not the carpenter for that department; he might have been there a day, and he might not; I don't remember about that.

Q. Doctor, have you any difficulty in getting the right kind of nurses? A. Yes, sir; some difficulty — yes, sir.

Q. Wouldn't you have less difficulty if you had better accommodations for them? A. Well, if we had better accommodations we could demand more; I don't know whether we would have less difficulty; we could demand different people.

Q. If you had accommodations for nurses to sleep in different places, better sanitary arrangements, and a better hospital, you could have better nurses? A. Better — some of them.

Q. A better class of nurses? A. Yes, sir.

Q. And nurses who would not drink quite so much? A. Not quite so much, perhaps.

Q. Did you know a nurse named Williams there, doctor? A. Williams?

Q. Yes, sir? A. I don't remember; I think there was a man named Williams, a nurse that was there when I went there; that is, he was on the pay-roll when I went there in March; there was that one named Williams; and there might have been another.

Q. And he afterwards became an inmate of one of the wards, suffering from rheumatism? A. The Williams that I refer to did; yes, sir.

Q. Are there regular visiting days in the hospital, doctor, or can a visitor visit there any day? A. Do you mean for general visitors?

Q. Yes, sir? A. Yes, sir.

Q. What are the regular days? A. Wednesday is the regular day;

Sunday we have a great many visitors, although I do not think it should be recognized as a visiting day, although it is by custom—and other days, if there are any indications for visitors; for instance, a patient is very sick, or friends come from a distance, just admit them, or anything of that sort; Wednesday and Sunday are our visiting days.

Q. Have you ever investigated any cause of cruelty on the part of the nurses to the patients? A. I have.

Q. When was that, doctor? A. I can't tell you.

Q. Was it lately or years ago? A. Years ago.

Q. How many years ago—was it from 1890 to 1892? A. Now I can't remember—I can't remember any case just now.

Q. What was the character of the nurses and attendants during that time, from 1890 to 1892, doctor? A. Well, the character was not as good as it is now.

Q. What is that? A. The character was not as good as it is now.

Q. Who employed them? A. Theoretically or practically?

Q. Well, practically; we will get the theory afterwards; theoretically you appointed them; practically they were sent to you by the commissioners? A. That is about it.

Q. That is so, is it not, doctor? A. That is about it.

Q. And all kinds and all conditions were sent to you in that way?

A. That is about it.

Q. Not only were they all kinds and all conditions, but they were in all kinds of conditions when they were sent? A. Something like that.

Q. Something like that? A. Yes, sir.

Q. And during that time you had quite some trouble with them?

A. Yes, sir.

Q. Complaints were much more frequent then regarding nurses and attendants than they are now? A. At that time my supervision was a good deal more general than it is now; of course I had to trust some-

thing to my superintendent; at that time I had charge of the whole medical department.

Q. At that time what was your position? A. General superintendent.

Q. Of all the institutions? A. General medical superintendent of the Kings county institutions at Flatbush and what was then St. Johnland—Kings Park now.

Q. And at St. Johnland? A. Yes, sir.

Q. So that you had to leave much more at that time to your subordinates than you have to now? A. Yes, sir.

Q. Who had charge under you of the hospital at that time, doctor? A. Doctor Morton first, Edward J. Morton, and afterwards Doctor Osgood, and later on Doctor Duryea.

Q. Where is Doctor Duryea now? A. His home is in the 29th ward, Caton avenue.

Q. But he has an institution of his own, has he not, on Long Island? A. Not that I know of.

Q. Or in Connecticut? A. Not that I know of.

Q. Has he not an asylum at Darien, Connecticut? A. Not that I know of.

Q. Have you never heard of it? A. Yes, sir.

Q. You had heard of it? A. I heard he had one.

Q. But you had no personal knowledge of it? A. Well, I had the same knowledge that he had one that I have that he has not one now.

Q. That is, you heard it both ways? A. He said he had one and that he sold it out.

Q. Is he still on the staff of the hospital? A. He is on the visiting staff; yes, sir.

Q. Do you recollect any of the names of the nurses who were sent to you in the manner in which you have described from 1890 to 1892, doctor? A. No, sir, I don't know that I do.

Q. Who was the steward of the hospital, doctor? A. Now?

Q. Yes, sir? A. Mr. Stanton.

Q. Do you know when Stanton was employed A. When he was employed?

Q. When he was appointed? A. Somewhere around April; I don't remember just when.

Q. Soon after you came back? A. Not a great while.

Q. April, 1894? A. Yes, sir; April, 1894.

Q. Do you know where he came from? A. No, sir.

Q. Do you know whether he was transferred from some other department? A. I don't know; I heard that he was; I don't know.

Q. And is he a well-educated man? A. Well, that I don't know.

Q. What are the duties of the steward? A. Well, to receive supplies and distribute them, and keep account of them, and keep a general lookout around the hospital, around the kitchen and the straw, the beds, and so forth.

Q. Acts as a sort of a clerk, storekeeper and bookkeeper? A. Yes, sir.

Q. He should have a good knowledge of those branches? A. Yes, sir; he ought to have an average knowledge.

Q. Is he a clerk also—Stanton? A. There is a clerk in the hospital; there is a man appointed as an attendant and detailed for clerical work.

Q. And this clerk—who is he, what is his name? A. Mullin.

Q. And Mullin was appointed as an attendant or nurse? A. Yes, sir; as attendant.

Q. He was appointed as attendant at \$18 a month? A. Yes, sir.

Q. And he is acting as clerk for Stanton? A. He acts as clerk for the hospital.

Q. Does he do Stanton's work? A. He may do some of it.

Q. Does he not do it all? A. I don't think he does—no, sir, I don't.

Q. You have seen both men write, have you not? A. Yes, sir; I have seen both writing; I have seen their writing after it was done.

Q. Mullin is a good penman? A. Yes, sir; very good.

Q. And a good bookkeeper, too, is he not? A. I consider him so.

Q. And he keeps the accounts in good shape? A. As far as I know.

Q. Did you ever see Stanton do any of that kind of work? A. Yes, sir.

Q. How does his work and penmanship compare with Mullins'? A. As far as penmanship is concerned, it is not as good; his multiplications and additions are correct, as far as I have tried them; I have tried them once in a while; we have extensions to make, you know.

Q. His spelling is good? A. Yes, sir; I think so; I don't remember whether I have seen a word misspelled or not—I may have and I may not.

Q. You never looked particularly? A. I was not so particular about that as I was about the figures.

Q. Yes. A. That is what I was looking at.

Q. Does Mullin ever take a day off? A. Well, he takes an evening off—not in the day time.

Q. Does he take two or three days off when he gets his pay? A. No, sir; I can't say that he does.

Q. Well, Mullin can do all of Stanton's work though, can't he?—there is nothing in that work that Mullin can't do so far as you have seen them do the work? A. Do you mean in the intricacy of it?

Q. Yes, sir? A. I don't think so.

Q. You don't think Mullin can do it all? A. I don't think there is anything in it that he can't do.

Q. You don't doubt that Mullin can do all that Stanton does? A. As far as doing the work is concerned, the intricacies of the thing if you please, or the education required, but the physical work I don't think he can.

Q. What is that? A. Looking out for things and keeping account of things going on around the hospital.

Q. Doesn't Mullin keep the records of the hospital now? A. Yes, sir; he does that.

Q. I want to know what the physical labor is that he could not do? A. The day would not be long enough.

Q. You mean it takes more than one man to do the work? A. Yes, sir; I do.

Q. But if the day was long enough Mullin possesses as much education for that as Stanton, or more? A. Yes, sir.

Q. Now, the difference in the pay is that Stanton gets \$1,000 a year and Mullin \$25 a month? A. Yes, sir; Mullin gets \$25; I think the other gets \$1,000.

Q. Three hundred dollars a year and \$1,000 a year—that is the difference between them? A. I say I know Mullin gets \$25 and I think the other gets \$1,000.

Q. Do you recollect, doctor, that there was some questions in the press some time ago about the character of the blankets that was furnished you at the hospital? A. I think there was something.

Q. In the New York World? A. I guess it was the World.

Q. And somebody came to you to investigate that? A. I don't remember about that.

Q. You don't remember whether reporters of various papers came to you to investigate the question? A. I don't recall it now; no, sir.

Q. Don't you know that at that time the fact was that the blankets were not up to sample and were very thin and poor and other complaints about them? A. I don't remember that; I don't remember that circumstance.

Q. Do you recollect the time in February last that there was complaint made about the insufficient heat, insufficient food and insufficient blankets? A. I don't remember any particular time; no, sir.

Q. Well, do you recollect the fact that a publication of that kind appeared in the New York World and was investigated by various

newspapers by sending reporters to see you? A. That may be; I don't recall the circumstance.

Q. And do you know whether Doctor Rhodes, your assistant, knowing of the coming of these newspaper men prepared for them by going through the wards the night before and ordering the nurses and attendants to turn up all the blankets that were in use and all the thin ones, and those that were cut, and they were taken away and replaced hurriedly by new blankets? A. I don't remember any such thing.

Q. Do you say it did not occur? A. I say under those circumstances no such thing occurred.

Q. Well, doctor, under what circumstances did something occur? A. Now, that I don't know; we do not take away blankets in that way, and I know Dr. Rhodes would not do any such thing in anticipation of any newspaper—the World, the Eagle, the Times, the Standard, the Union or any other paper.

Q. Suppose he did that regardless of anticipation of newspapers and you couldn't know anything about it? A. I don't hardly think he could have done it.

Q. Why not? A. Because he would have told me.

Q. Do you have to order the blankets or would Dr. Rhodes do that?

A. They came from me.

Q. Your assistant superintendent, if he wanted blankets, could order them? A. Yes, sir; he might order one or two.

Q. He might order a dozen? A. No, sir.

Q. Why not? A. It is contrary to our rules.

Q. What rules? A. It is contrary to the rules of the hospital, our rules and customs.

Q. You mean the storekeeper would not furnish them? A. He would not order them from the storekeeper.

Q. Who would he order them from? A. We don't order two blankets at a time; we don't order only two blankets.

Q. When you order 100 at a time you order from the commissioners?

A. Yes, sir; our requisition goes to the commissioners.

Q. That is a weekly requisition? A. Yes, sir.

Q. Where are any blankets stored when you get them; what do you do with them? A. Put them in the storeroom.

Q. And who is in charge of that storeroom? A. Well, I have charge of the whole thing and the steward.

Q. And the assistant superintendent? A. Yes, sir.

Q. So if the assistant superintendent wanted a dozen blankets all he had to do was to go to the storeroom and get them? A. If he wanted to go and get them that way he could.

Q. He could get them that way without any difficulty? A. No, sir.

Q. Why not? A. Well, because— I superintend the giving out of them.

Q. You superintend the giving out of every blanket? A. Yes, sir.

Q. Do you mean to say the steward could not get a blanket if he wanted one? A. He is supposed to come to me.

Q. Suppose this was the case—if during the night, for some reason or other a blanket became useless, either from filth or other reasons, how would the steward get another blanket? A. He wouldn't get another in the night—he is not there at night.

Q. Who says anything about the night—suppose he wanted another blanket in the morning? A. I understood you to say if something occurred at night.

Q. Suppose he wanted another? A. He would come to me.

Q. And regardless of whether you were dining, or at an investigating committee, or whether you were at meals, or breakfast, or were visiting other portions of the hospital, that patient could not have another blanket until you came there? A. Oh, he could take one—he could take the whole business and give it away.

Q. He could enter the storeroom and get the blanket? A. Yes, sir.

Q. And so could the assistant? A. Yes, sir.

Q. So as a matter of fact, to do the very thing that I called your attention to, namely, to fix up these wards in order—as you used the language—to anticipate the coming of newspaper men, that would have been among the possibilities to be done by Doctor Rhodes or the steward, and you not know anything about it? A. I consider all things are possible.

Q. Well, that thing was possible? A. All things are possible.

Q. And that was possible? A. That, among all things, was possible.

Q. Wasn't that easily possible? A. No, sir.

Q. Why not? A. That is not the way we do business.

Q. But that is the way business could be done there? A. All things are possible.

Q. You don't like to say, doctor, that things could be done like that where you are the superintendent—you don't like to say that? A. I don't say it.

Q. It is the easiest thing in the world for a person having a key to a closet to go in and get them, is it not? there is no difficulty in the way? A. No, sir; no difficulty about it.

Q. So that if the storekeeper or assistant superintendent wanted to go in there and get a dozen blankets for the purpose of making things look nice when reporters came there, and take them away after the reporters had left, that would have been a thing that could have been easily accomplished, isn't that so? A. It might have been.

Q. Now, at the same time there was a charge of insufficiency of food; was that true, doctor? A. I don't consider it so

Q. It never was so? A. No, sir.

Q. Doctor, is there any habit or method by which certain patients are given extra food? A. Yes, sir.

Q. Is that extra food better or worse than the ordinary food? A. Well, we consider it is better.

Q. Well, is it better? A. Some think it is, and some think sometimes it is not.

Q. What do you think? A. I think I should prefer some of it, and some of it I would not.

Q. When a fever patient is asking for extra food, and he is given some tough corn beef and cabbage, you don't consider that is a special dish, do you? A. It depends on how sick he is.

Q. If he was sick enough to get a special dish, do you consider that that dish is a proper special dish for a sick patient? A. Some of our patients might want corn beef and cabbage if they are getting over a fever; if they were very sick with a fever, I wouldn't think so; no, sir.

Q. Haven't you heard very many complaints of these special dishes, that the eating is much worse than the ordinary eating in the hospital? A. No, sir.

Q. You never heard that? A. I have heard of it; yes, sir; I understood you to ask me if I had frequently heard of it.

Q. You have not heard of it frequently? A. No, sir.

Q. How often did you hear about it? A. Oh, perhaps two or three times.

Q. In a week? A. No, sir; in a year.

Q. You don't mean that, doctor? A. I mean that.

Q. You have been there since March, 1894; how many times have you heard patients complain that the special dishes, which ought to be better than the ordinary dishes had been largely worse? A. I couldn't tell you.

Q. You wouldn't hear of it necessarily at all unless it was brought to your attention by the nurses and attendants? A. That don't follow; I look after it once in awhile myself; I hear it from the doctors and assistant superintendent and the matron.

Q. But you wouldn't necessarily know all the complaints? A. No, sir—not all through the house; certainly not.

Q. So you would only know them as they came to you? A. Yes, sir; that is the idea.

Q. There might be hundreds of those complaints made? A. Yes, sir.

Q. And you not know anything about it? A. Sure.

Q. Have the internes particular hours of duty? A. No, sir; no.

Q. Well, they are attached to certain wards? A. Yes, sir; they are.

Q. One interne to a certain number of wards? A. Yes, sir.

Q. What is his duty to those wards? A. His duty is to make his rounds through the wards after breakfast to see whatever is required, and to attend his visiting physician when he comes, if he comes, and go with them wherever they require, and make his rounds at night?

Q. Does he not himself look after the condition of the patients daily. A. Yes, sir.

Q. When does he do that before or after the visiting physicians come? A. He is supposed to be at it at 9 o'clock.

Q. He gets his breakfast and soon after breakfast he looks after his patients? A. Yes, sir; he begins then; yes, sir.

Q. If he has two or three wards he goes through all the wards? A. Yes, sir.

Q. And looks after every patient? A. He is supposed to.

Q. Well, does he, do you know? A. Oh, I don't know.

Q. Is he supposed to take his temperature? A. Not of every patient—no, sir.

Q. Does he inquire from the nurses whether the medicine he prescribed the night before has been given? A. Yes, sir.

Q. Then do the nurses go to bed before or after the doctor comes around? A. Before, I think.

Q. How can the doctor find out, then, what medicine was given? A. They make a report of it.

Q. When? A. In the morning when he comes off duty—they keep a night book.

Q. And that night book is given to the interne? A. He takes it when he requires it—it is there for him to look over.

Q. Does he not require it if he has given prescriptions? A. That depends on himself—he has charge of it.

Q. Who has charge of him? A. The visiting physician, as far as the medicine is concerned.

Q. And when the visiting physicians come around they look after the internes and the patients too? A. Yes, sir.

Q. They consult together, do they? A. I suppose they do.

Q. Doctor, can you tell me who does know something about it? A. I suppose the physicians ought to know something about it; they ought to know their own affairs.

Q. If I want to know exactly the methods employed by the internes and the visiting physicians, and how patients are attended to, I can not get it from you, but I will have to get it from the internes and the medical staff? A. Not so far as the medical work is concerned, I can't tell you.

Q. Have you seen the visiting physicians and the internes consult together? A. Yes, sir.

Q. Have you seen them go from bedside to bedside in the wards? A. I probably have in one or two instances—three or four dozen perhaps; they come to the office and their interne who sees them is sent for, and they go about their business.

Q. Those visiting physicians come every day or only twice a week? A. You mean the same one?

Q. The same one—yes, sir? A. Oh, generally twice or three or four times a week; it depends on the case they have, if it is urgent; if they think it is necessary to come twice a day they come twice a day, if they are sent for on any emergency they come.

Q. But ordinarily the visiting physician comes about twice a week—once or twice a week? A. Yes, sir; ordinarily.

Q. And a visiting physician has his particular ward you say? A. He has his particular duty; yes, sir—wards; yes, sir.

Q. Yes; and the first thing when a visiting physician comes he communicates with the interne who attends those particular wards?

A. The interne is found who attends to those wards.

Q. And the visiting physicians go to no other place, no other portion of the hospital, unless under the supervision of that interne? A. Unless there is some particular case that they want him to see; for instance there may be a surgeon—for instance the typhoid fever cases—one of the reasons that you spoke of; he was supposed to belong to the fever ward and we asked the man who was in the fever ward to see what was the matter with the patient before transferring him to the fever ward, and in that case it would bring another visitor into a ward not his own.

Q. He was in ward No. 2? A. Yes, sir.

Q. And what was the cause of his being there? A. That I don't know; that was the surgical ward; I don't know what was the matter with him.

Q. Was the same physician called upon for both of those cases? A. If you say they were both from ward 2, I presume he was.

Q. You know there are two, Sherman and McKnight, suffering from typhoid fever? A. I know there are two said to be suffering from typhoid fever; that is about all I can personally tell you about it.

Q. Where is this night book that you have mentioned, placed? A. On the desk in the main office, in the morning.

Q. Where is the main office situated, on the main floor? A. On the first floor just above the basement floor—the front entrance of the hospital.

Q. So that the night nurse before he goes to sleep in the morning, whatever floor he has been on, must go down to the main office where the night book is and make a report? A. He keeps that during the night.

Q. And he goes down stairs in the morning and makes his report and leaves it there? A. If he makes his report he does.

Q. Does he return it himself or does he give it to somebody? A. I can't tell you.

Q. Are there any rules to that hospital, doctor; are they all in the mind of the superintendent, or are they printed? A. There are no recent rules printed, I think.

Q. Are there any printed? A. They are around the building.

Q. They are somewhere? A. Yes, sir—but there are rules.

Q. There are rules? A. Yes, sir.

Q. Does anybody know anything about them except the superintendent? A. I guess so.

Q. The doctors know something about them? A. They can if they choose to—they are hung up.

Q. They are hung up—not distributed? A. Yes, sir.

Q. There are rules for visitors, too? A. Yes, sir.

Q. How do the visitors know them? A. We tell them.

Q. Every visitor when he comes in? A. They have been there some 50 years in that same way; I suppose they know something about them.

Q. There may be some persons there that have never visited the hospital before? A. They are an old established thing there.

Q. There are some people that are not old established—how would they know the rules? A. I don't know.

Q. How are those rules made known to people? A. Well, we tell them.

Q. You don't tell them to visitors? A. Yes, sir; the rules in regard to visiting, we do.

Q. Every visitor that comes in there you tell the rules? A. No, sir; we tell it to several visitors every day.

Q. But not to all the visitors? A. No, sir; some of them know them without telling.

Q. So far as the patients are concerned, do you tell them, too? A. They understand that rule.

Q. What rule? A. The rule in regard to visitors.

Q. I mean the rules applying to patients? A. When there is any that fits their particular case we tell them

Q. Did you ever tell the patients? A. Yes, sir—some of them.

Q. What are the rules? A. Different rules for different things.

Q. What are they? A. Our crowded condition—the patient that comes in last shall have a bed, if possible; that is one of the rules; and the patients that the doctors consider the most able to lie on the cots shall give their beds to a newcomer—that is one of the rules.

Q. That has been the reason then why patients, who have been there, have been compelled to give up their beds to newcomers, and the older patient would have to sleep on the floor? A. Yes, sir.

Q. That has been the cause of considerable complaint, too, has it not, doctor? A. Yes, sir; I know we have a complaint there every once and a while about that; they speak about such things, you know.

Q. Hasn't that been the cause, also, of patients becoming worse in their malady—by reason of their giving up their bed and sleeping on the floor? A. Not that I am aware of.

Q. Will you say that it did not occur? A. Not that I am aware of.

Q. You have never heard that patients grew worse? A. Yes, sir.

Q. Why did you say you are not aware of it? A. I don't know it is so.

Q. You do not personally know? A. No, sir.

Q. But you have been told this? A. Yes, sir.

Q. There are a great many things that happen in that hospital that you personally know nothing about? A. Yes, sir.

Q. The evidence you get is simply by hearsay? A. Yes, sir; somebody says so.

Mr. Hirsh.—That is all, doctor; we shall not need you this afternoon.

The Witness.—All right; thank you, sir.

Mr. Schultz.—This committee will take a recess until half past 2 o'clock.

PROCEEDINGS OF THURSDAY AFTERNOON, AUGUST 8,
1895.

Present.—Messrs. Schulz, Keenholtz and Foley, of the committee.

Mr. Hirsh and Mr. Kemble of counsel.

Thomas Walsh, being called as a witness and duly sworn by Mr. Schulz, testified as follows:

Examined by Mr. Kemble:

Q. Where do you live Mr. Walsh? A. Seven hundred and thirty-four Carroll street.

Q. And what is your business? A. Dry goods merchant.

Q. Where is your place of business? A. Seventy-nine Grand street, New York.

Q. How long have you been engaged in that business? A. Thirty years.

Q. And have you at times had contracts with the commissioners of charities for the supply of dry goods? A. Yes, sir.

Q. Well, prior to 1890, did you? A. Yes, sir.

Q. And when did you resume contracting with the county? A. A year ago this month.

Q. So that you contracted on the schedule of 1894 and '95? A. Yes.

Q. But not at all for the intervening years between 1890 and that time? A. No, sir, not for some years previous to that time.

Q. Were you a bidder on the schedule of 1890 and '91? A. No, sir.

Q. Of 1889 and '90, did you bid? A. No, sir.

Q. When did you stop bidding? A. Well, I think about five—four years before that; along about 1886 I think, '87, around there.

Q. Did you examine the schedules around the years 1890 and '91, '91, '92? A. Yes, I have looked at them.

Q. You have looked at them recently? A. Recently, yes, sir.

Q. You were not a visitor at headquarters around the time when Ray and Hines went out of office, were you? A. No, sir.

Q. You say that you have looked at the schedules for about three or four years, commencing in '90? A. Yes.

Q. Now, in the dry goods schedule of 1890, '91, line 216, they advertise for 2,000 yards of burlaps? A. Yes.

Q. And the price bid was eight cents a yard; do you know what a fair value of that was? A. Well, it is worth around about four cents a yard, I think, four and a half.

Q. Four or four and a half? A. That is what I furnish it now for, or five cents; 4 95-100, less than five cents.

Q. I see that in this schedule, in advertising for supplies, they refer to the sample, "as per sample;" does that make it difficult for you to estimate the value of some of these articles so marked? A. Well, if it is a standard sample known in the market there is no trouble about it.

Q. But suppose you leave the brand off and "as per sample?" A. Well, you can get pretty near it.

Q. But where the brand is also attached, then you can get right to it? A. Right to it, without any trouble at all.

Q. Did you notice in examining these schedules any change come over their character, any marked change in the character of the goods, quantities and prices, as you proceeded along 1891, 1892, 1893, down to 1894? A. Well, down to 1894, yes, I noticed where they call for Dickey's kersey there, and the price charged at $2\frac{1}{2}$ cents; that is out of all reason and sense.

Q. Did you notice a general increase in the prices? A. Increase in the prices, yes.

Q. Of goods that were actually furnished? A. Oh, yes, that I noticed, the price increased.

Q. And did you also notice that that increased price was not war-

ranted by the real value of the articles at that time? A. No, the market had a downward tendency right along that time.

Q. The market tendency was downward? A. Yes.

Q. And the price kept up, or still greater? A. In a good many cases, yes, sir.

Q. Now, referring to the schedules of 1890 and '91, on line 245, I find Dickey's kerseys advertised, 3,000 yards; what were they worth?

A. Well, at that time they might be a little higher than they are at present; I couldn't exactly give the figures, but I thought the price was a good price, that was a very fair price.

Q. What should you say was the price? A. I think they are worth around $37\frac{1}{2}$ cents, I should judge, as far as I can remember.

Q. Well, they charged 46; was the price of kerseys up to 46 at any time? A. Well, that I couldn't positively say; I have my memorandum left at home; I didn't happen to bring it with me, but it was a fair price for that article.

Q. Do you know the price of Dickey's kerseys now? A. Well, they are worth about 30 cents.

Q. Have you been familiar with the course of the market for the last few years? A. Yes; I furnish this kersey for 35 that you speak of now.

Q. Well, has there been any great decline in the price of kerseys within the last few years? A. The price has been dropping down all the time.

Q. About how much a yard? A. Well, down from $37\frac{1}{2}$ down to $32\frac{1}{2}$, with discount, making it down to about 30.

Q. Then you say that it has dropped from $37\frac{1}{2}$ down to— A. Down to about 30.

Q. Yes; consequently at 46 cents a yard that charge was not justified? A. Not at the present year; but that time they might be a little higher, but not as high as that I should think.

Q. What is the highest price you recollect kerseys to be within the

last four years? A. I can't very well answer that on account of not knowing prices a year and a half or two years ago.

Q. Now in 1891 and 1892 have you any idea what the price of kerseys then were? A. I hadn't anything to do with kerseys in that year, so I couldn't tell the exact market price; I could have found out though.

Q. I find on line 248 of the same schedule, "table linen, 60-inch;" what was that worth? A. Well, that was put on as sample; you can get a nice table linen to-day for about 30 cents; I am furnishing it for 30 cents now, a very good article.

Q. Now, to recur to kerseys, I find in the schedule of 1891 and 1892 these items: "Kerseys, Dickey & Sons, all wool, 3,000 yards" called for, 46 cents a yard bid; "kerseys, white, as per sample," is the next item, 2,500 yards, $2\frac{1}{2}$ cents bid; is there any such difference in the price of kerseys? A. No, sir; that is out of all reason; there is nothing in that at all; it couldn't be done by no man on the earth.

Q. What are the cheapest kerseys you know, white— A. The cheapest kersey to-day is worth $42\frac{1}{2}$; that is what I furnish them for; can't be bought for less than 40 cents regular.

Q. And consequently this $2\frac{1}{2}$ is entirely out of the question? A. Well, it is a blind—it ain't right, at all; no man can buy an all-wool kersey—or not an all wool; it is a wool filling and cotton warp, and the only thing I know in the market is worth to-day 40 cents; I never knew it to be worth anything less than that.

Q. Now, of the item of Dickey's kersey, which they call for 3,000, and the bid is 46 cents, they furnish 3,031 yards? A. Yes.

Q. And of the item of white kersey at $2\frac{1}{2}$, 2,500 yards called for, there is none furnished; now, is your knowledge of the trade and bidding—does that enable you to say what the object of those two bids were? A. Well, the object is very plain to me, that it is a result of this balance bidding; that was put in and there was none of it called for.

Q. Well, the plan was to get a larger price for the— A. For other articles.

Q. For the Dickey kersey, and not to serve any of the lower priced bid? A. That, as well as the other articles in the class; it affected all the articles, as far as I could judge.

Q. I find in the schedule of '91, '92—that is the year preceding what I have read—that the white kerseys there are bid for—2,500 yards, at $32\frac{1}{2}$ cents—the very same article, very same language, as the $2\frac{1}{2}$ goods; is there any explanation of how a party bidding could bid $32\frac{1}{2}$ cents in '91 and '92 per yard on these goods, and $2\frac{1}{2}$ cents for it the next year—is there any explanation? A. I couldn't buy the kersey for $32\frac{1}{2}$, let alone $2\frac{1}{2}$ cents.

Q. Now we will come to the table linen; you say that you are furnishing it at 30 cents a yard? A. Less than 30—29 something.

Q. It appears by this schedule that they charged 35 cents a yard; would you say that was an exorbitant price? A. Well, I would like to get it myself, but with the competition I wouldn't expect it; with the competition I wouldn't go into that price for it—I would expect to get beat.

Q. You would think the price was too high? A. Well, yes—not awarding each item I wouldn't bid that by no means.

Q. Then, on line 252 I find muslin for bandages— A. "Utica C."

Q. And the bid was $4\frac{1}{4}$ cents a yard—what is the reasonable price? A. My price was $3\frac{3}{8}$.

Q. Can you furnish it at that? A. I guess it is around that now—the market is pretty stiff just now, but I don't think there is but very little change though.

Q. Now, then, line 257, "Atlantic A sheeting," I find a bid for 7 1-10 per yard; what was the actual value? A. Well, that is pretty near—is it '91 and '92 you have reference to?

Q. This is in '90 and '91? A. Well, it was worth $6\frac{3}{4}$ then.

Q. Now, take a 6x4 sheeting, Boston manufacturing company;

they bid $13\frac{1}{2}$ cents for it ; what was it worth ? A. Well, to-day it is worth about 11 ; I couldn't answer that about that year ; I would like to be just about the prices ; I don't know the price exactly then but I don't think the difference was very great.

Q. What is it worth to-day ? A. Somewheres around 11 cents ; 11 or $11\frac{1}{2}$, I think.

Q. Well, they charged $13\frac{1}{2}$ cents ? A. That year ?

Q. Yes ; was that a high or a low rate ? A. Well, it is a fair price.

Q. Now, what was the course of prices of sheeting from the year '90 down to '94 ? A. Well, they are dropping all the time, prices keep going down.

Q. Has there been any upward tendency at all ? A. Not that I know of ; I have found the goods getting a little less — well, up to the present movement, now.

Q. There has been some decrease in price all along ? A. Dropped last year 7, 8 and 10 per cent. in some cases.

Q. Now, I find in 1892 and '93, the price of sheeting went up to $15\frac{1}{2}$ cents a yard for 14,000 yards ? A. Boston sheeting ?

Q. Yes ? A. Well, that is a good, big price.

Q. What was it worth ? A. I think the price was about 12 cents ; $11\frac{1}{2}$.

By Mr. Keenholts :

Q. What width ? A. Six by four, for single beds ; used for hospital, with single beds.

By Mr. Kemble :

Q. Now, take the item of shawls ; I find 188 and $\frac{3}{4}$ dozen shawls, womens shawls, "Peacedale," 40x40 ? A. Shoulder shawls, yes.

Q. Those are shoulder shawls, you say—charged \$5 ; and women's "Manitobas," 63x63, \$13.50 a dozen ; do you know what the price of them was ? A. Well, that is a good fair price for them ; not like some other items, but that is what I call a good, big fair price for them.

Q. Did you examine the articles of notions that were furnished that year in the schedules? A. Yes, I looked all through them.

Q. And what do you say as to the prices given? A. Good fair prices I should think all through, as far as my judgment goes.

Q. What do you mean by that, liberal prices? A. Yes; I think they made a little money on it; they wouldn't lose any.

Q. They made money on it? A. I think so, yes; they are small items and I don't handle them much, but they are good fair prices.

Q. Now, in the schedule of '91, '92, I find bed ticking; what was that worth? A. In '91 and '92?

Q. Yes. A. I haven't the price with me; I couldn't give you the exact price on the article; I think somewheres around 11 cents.

Q. About 11 cents? A. Eleven or along there.

Q. Well, would you be very far out of the way on that? Well, I don't know; I wouldn't be sure about that; I would rather have my papers.

By Mr. Foley:

Q. I would like to ask what the quality is; there must be about 10 qualities? A. That is a standard brand.

By Mr. Kemble:

Q. Superior Pearl River? A. "Pearl River" is second; it is not the first quality; it is what we call "second" in the market; Pearl River is known as the second of "Amoskeag"

Q. What is the highest price that you have known that superior pearl bed ticking to be within the last four years? A. Well, I couldn't go back four years and tell you what the price was four years ago.

Q. How far back can you recollect? A. I think that about 10 cents was the price of it, as far as I can recollect the last time that I had anything to do with it.

Q. About 10 cents? A. I think about that.

Q. Have you ever known it to be, for that brand, as high as 15 cents? A. Oh, no; that is a good price for it, a big one.

Q. Would you consider that to be an exorbitant price? A. I would.

Q. Now there was $16,232\frac{1}{4}$ yards of that bed ticking taken at 15 cents? A. I furnished the first of it about a year ago for less than 10 cents I think, or $10\frac{3}{4}$, somewheres around there.

Q. Ten and three-quarter cents now? A. Yes; that is not the first; those are supposed to be the "seconds," the Pearl river, they are not first quality goods at all.

Q. Do you know what the value of Bedsey's quilts were in '91 and '92? A. No; I don't know, positive; I think about 85 or 90 cents; I think they are worth 80 now.

Q. Do you recollect at any time within the last few years that they have been worth as high as \$1? A. No, I do not.

Q. Would you call \$1 for those quilts an exorbitant price? A. Well, it would be a fair price; I wouldn't say it was exorbitant exactly; it would be a fair price, 10 cents apiece on them; it would be about a fair price I should think.

Q. Now on line 221 we have blankets, 10-4 white wool, 6 pounds, and the price 75 cents a pair? A. No such thing in the market.

Q. Did you ever know of any wool blankets, 6-pound wool blankets, at 75 cents a pair? A. You can buy a poor blanket for 75 cents a pair; that is, a blanket made out of old coats, and boots and shoes, things of that kind; wool blanket in the market is worth all the way from 50 to 60 cents a pound; a 50-pound blanket is easily worth \$3.20.

Q. They call in this schedule for 1,000 pounds, and they take none? A. I ain't surprised.

Q. Well, the purpose of that was evidently to balance the bids again, wasn't it? A. That is what—I look at it so.

Q. Could have no other purposes could it? A. I couldn't see any thing else in it; you can buy a blanket in the market at 75 cents, the poorest thing that is made, and there is no wool in that at all, only shoddy.

Q. The next item is blankets, 10-4, wool, white as per sample 6 pounds; now you will observe that these lines are all the same; the wording of each item is precisely the same; the difference in the bid is from 75 to \$2.95; did you notice any peculiarity about the form of these schedules in respect to their referring to samples instead of to particular brands? A. Well, I couldn't tell you anything about that blanket matter, because it said "as per sample"; I never seen the sample.

Q. Well, I know, but the point I am asking you is this, did you notice in these years, say '91 and '2, '2 and '3, '3 and '4, that there was a departure from the earlier mode of making the schedules; that is to say, that in the old form of making the schedules, the particular brand of the goods was designated — A. The old form, they had down that Saxonville blanket, had it branded; in this case they put down "as per sample;" we always had a sample blanket there, and the blanket was there with the Saxonville ticket on it, so everybody knew what it was; in this case here it says, "as per sample," but no standard brand on it.

Q. Now, I find on taking the schedule of 1889 and '90, that when they advertised for blankets, they advertised for them by the name of some brand, "Falls of Schuylkill" — A. "Falls of Schuylkill;" that is right.

Q. "Alaska?" A. "Alaska;" that is right.

Q. And "Falls of Schuylkill" again, meaning the quarter-pound in each pair? A. That is correct.

Q. And an entire absence in referring to samples at all; you knew that? A. It ain't necessary; that brand alone will cover you on that ground.

Q. They were a well-known brand, and it was not necessary to have any sample? A. You can bid intelligently on those brands.

Q. Now that same item of 10-quarter blankets, by the same description, "Blankets, 10-quarter, wool, white, as per sample," — this is in

1892 and '93 — I find the price rise to \$3.95; what do you say to the price? A. Well, I don't know any reason for it at all.

Q. What was a fair price? A. I am furnishing a standard blanket to the charities now here, known as "Hartford," 11-4, which your description is 10; this is a size larger, 11-4, for \$3.17 a pair; it is a wool blanket, used by the charities and corrections in New York, used in different institutions of the State.

Q. Is that blanket which you are furnishing, a more valuable blanket, larger and — A. It is larger than your description; of course, your blanket I never seen; I don't know what it is, as far as I know.

Q. I am speaking of the description of blankets as to size — A. The blankets you have described there is a 10-4—that is a smaller size; it ought to be a cheaper blanket.

Q. And they advertised for 1,000 pair, the price being \$3.95, and they took 2,030 pair? A. A good profit on them.

Q. You would call that a profitable transaction? A. A great big immense profit.

Q. How many blankets have you bid upon this year? A. I think about 1,500 or 2,000.

Q. Now, I would like to ask you here, Mr. Walsh, whether there is any custom in the trade in respect to the nearness of the supply to the amount advertised for? A. My experience is, they generally call for the amount they advertise for—they call for that amount about.

Q. That is to say, if they advertise for 1,000 of anything, though it is more or less, it is not considered that they are going to sell for 2,000? A. Well, I don't—they don't do it, as my experience goes; they generally use about what they call for; that is what they did with me last fall.

Q. So to your mind does it suggest any particular motives when they put the price high—such as \$3.95 for these blankets, and call for 1,000—advertise for 1,000, and then take 2,030 at the high price—

would you call that good, judicious purchasing? A. If I could see the blanket—I would consider it to be a good thing for the contractor if it is a blanket like what I am furnishing to-day, to get that price for it; I couldn't tell, because I haven't seen the blanket, but I should think that it would be a good thing for the—

Q. On line 275 we have an item of marbelized oil-cloth for table tops; they called for 200 yards, and the bid was 40 cents a yard—what do you say about the price? A. I would like to give you three yards for 40 cents, and I could do well with it; 12 cents a yard is what they are worth; $12\frac{1}{2}$ —a little less than $12\frac{1}{2}$.

Q. Do you mean to say that they charged three times more than it was worth? A. I am charging $12\frac{1}{2}$ for good oil-cloth—a good article—to the charities department.

Q. Now, was there any great difference in the price between 1892 and '93 and this date? A. I should think not, as far as my knowledge goes; I don't know of anything as large as that.

Q. When I tell you that having advertised for about 200 yards, and having this exorbitant bid, they then proceeded to take 1,704 yards at that price, do you think that suggestive, at all? A. Well, not with my experience; they only called for 200 yards, I think, all the order I got was for 200 yards.

Q. When you bid for 200 yards you bid $12\frac{1}{2}$ cents? A. Yes; they called for 750 yards, and all they took from me was 200 yards, I think.

Q. Then, when Newman bid 40 cents a yard for 200 yards, then they took 1,700 and odd yards? A. Yes.

Q. Looks as though they intended to favor him, doesn't it? A. Yes; that is a good thing.

Q. You call it a good thing; now, we will come to burlaps; they call for 200 yards of burlaps at 8 cents a yard; what is it worth? A. Some burlap that they are furnishing now is worth about 4 cents; I buy it for that; of course, I don't know what burlap they had then; I suppose it is the same thing.

Q. What is the difference in the character of burlap; tell us what they are? A. Seventeen inches wide; it is used for all sorts of purposes, used by clothing manufacturers, and I believe they use it out here in the penitentiary for some purpose, I don't know what.

Q. Is there any variance in the price, any great variance? A. No, not of the character of the sample we have here now; it is a staple—

Q. Now, have you seen the former samples that they had? A. No; I did not.

Q. Are you acquainted generally with the character of the burlaps that they used in the county institution? A. No, not any more than my experience here with them now.

Q. Never saw any before? A. No, because I haven't made any bids, you know, in a long time; I have never seen that sample; I suppose it is the same mark that they have on now; Mr. Hayes could answer that question, Mr. Hicks.

Q. They say the sample they are furnishing now is worth 4 cents? A. Four cents; that is right.

Q. Now, on line 231 of the schedule of '91 and '2, they have blue cloth at $2\frac{1}{2}$ cents a yard; what do you say about that? A. Never see such a thing in the market; nobody else.

Q. There is no blue cloth that you can sell at $2\frac{1}{2}$ cents a yard? A. Not a print; you can't get a print for that.

Q. Now, they call for 50 yards of that, but they do not take any; do you trace any connection between that bid for 40 cents a yard for marbleized oil cloth—can you see any balance in there? A. Oh, yes.

Q. You can? A. I suppose the same as the rest of those things in there, they didn't call for them; if they were called for there would be a loss made; that is as far as my judgment goes.

Q. Now, the next item in the schedule is for green cloth, the same price; do you know of any green cloth that can be sold at that? A. Never seen it.

Q. Then the next item is tape, a quantity of that called for, and the bid is one-fourth cent a yard, and none of it furnished; do you know of any tape being sold for that? A. I do not; I never have seen it; I don't know, it is a thing that I ain't had much to do with; I don't know what it can be; one-fourth cent a yard; I never seen it.

Q. Have you dealt in tape? A. Well, I get orders for those things occasionally.

Q. Have you ever been able to find any at one-fourth cent a yard? A. Never had any experience buying a thing of that kind for that price, never.

Q. You never heard of the price? A. No, I never did.

Q. On line 235 we have seersucker, 1,200 yards advertised for, 12 1-2 cents bid. What was the price of seersucker? A. Well, I can't tell that because there is no brand there, no sample; I couldn't tell. I am furnishing seersucker for less than 8 cents, 7 7-8, but I don't know what that can be.

Q. They call it plain seersucker. What would you say? A. Well, plain to-day is worth about the same as the striped seersucker. The striped is the kind I furnish. They use it for suits for the women out there. I don't know what it can be. If I see the sample—I couldn't tell what it might be; it might be a very good article and might be a very poor thing.

Q. What does the price range from? A. I am furnishing it for less than 8 cents, 7 7-8.

Q. What is the price of a very good article? A. Oh, I suppose there is something worth around 10 cents, or nine cents there might be.

Q. Nine or 10 cents, a very good article? A. Yes.

Q. And what you furnish is under— A. What I furnish is a standard article, a good article, too, ain't any better, Bates?

Q. How much? A. 7 7-8 about. That is a standard brand and as good as anything in the market.

Q. They got 12 1-2 cents for some thousands of yards, 8,500

yards. Was that an exorbitant price? A. I should call it a great big price. If I could see the sample—I don't know what it is worth. I can't tell without—

Q. Well, would it be a good big price, an exorbitant price, for any plain, fair seersucker? A. Yes, if it is in the class of goods that they handle out there that I have experienced, I should think it would be.

Q. Now, can you explain how they come to put another seersucker in the same schedule, same year, same class, advertised for 1,000 yards, that is bid at 2 1-2 cents a yard? A. No such thing in the market.

Q. Well, then they furnish none to the county. Does it look to you that that bid of 2 1-2 cents for seersucker, in the same list with other seersucker at 12 1-2 cents, that it was for the purpose of letting somebody in on the ground floor? A. Well, I suppose—

Q. Could there be any legitimate—you are acquainted with the system of bidding—could there be any legitimate purpose? A. No; it wouldn't be just to other bidders to have those kind of items in there. I couldn't compete with a bid in a fair way in classes like that. It is impossible to win any class with those things in there.

Q. Now, Mr. Walsh, the following year I find this seersucker advertised for again in precisely the same form that I have read to you, with this difference, that on the first call for seersucker there is a bid of 12 1-2 cents, the same as the year before, and there is 12,000 yards called for, as there was before, and they didn't take any, whereas on the first page of the same schedule is that item of seersucker again, 1,000 yards again called for, but instead of 2 1-2 cents being bid and none being taken, the price is raised to 15 cents a yard, and then there is 4,411 yards taken, though only 1,000 called for, the price being raised from 2 1-2 to 15 cents a yard. Is there any explanation that you can make as a man engaged in that business for that sort of bidding and that sort of purchasing? A. I should think the profits had increased for the contractor, whoever

he was. It was a good price for the contractor. I don't see any other reason for it, only for his benefit, whoever got the contract.

Q. Well, it is perfectly clear, isn't it, that some one of those seersucker items is used as a dummy so that a low bid can be put in, or a high bid, and you can furnish it for the high price if you can get in on it in any way? A. That is how I look at it.

Q. And you balance the bid, you put in 2 1-2 cents—do you think it would have been safe for you at any stage of that bidding to bid 2 1-2 cents for seersucker? A. No, sir, I wouldn't do it.

Q. You daren't do it? A. I daren't do it—no, sir. It couldn't be done in justice.

Q. Then that would indicate that the men who did it had an understanding on the inside in some way that it would not be called for? A. That I don't know of course, but—

Q. Well, otherwise it wouldn't be safe for him to do it? A. I shouldn't think so. I wouldn't do it—the very reason I didn't bid on those various things.

Q. Now, on line 237, of 1890 and '91, we have American indigo prints, 32-inch. Is that a standard article? A. That is a standard article—American prints.

Q. What was that worth at that time? A. In 1891 and '92?

Q. Yes. A. Nine and one-half cents that time.

Q. Nine and one-half? A. It is worth $7\frac{1}{2}$ now; that is, in the market, to-day.

Q. On the same schedule, denims, Otia AA; what were they worth? A. They were worth 10 cents with a discount of two off.

Q. Worth 10 cents a yard? A. In 1891 and '92, yes.

Q. Now they charged 14 cents a yard? A. A good big profit.

Q. That you would consider at a good big profit? A. For domestic goods it is a very big profit.

Q. Now they only advertised for 8,000 yards, but they took 12,892 yards; and that you would consider very profitable bidding? A. Why, of course.

Q. Again, cotton flannel, Amoskeag, AA, unbleached ; what was that worth in 1891 and '92 ? A. Well, I have not got that with me ; I don't know the price ; I think somewheres around 12 cents I should think.

Q. Around 12 cents ? A. I think so ; I am not positive about that ; I would rather be—I haven't got it.

Q. Have you within your reach any list of prices that would give you that ? A. It is up home at the house.

Q. What is your recollection about this flannel ? A. That is A. C. A. Canton flannel, ain't it.

Q. It reads " Amoskeag cotton flannel, AA, unbleached ? " A. I furnish it now for about around 10 cents ; I think at the present time I am furnishing it for that.

Q. And what is your recollection of its price running back for the last three years ? A. Well, I couldn't—

Q. Does it vary much ? A. Well, it was a little higher then than it is now, that is sure. It is a falling market all the time.

Q. How much ? A. I couldn't give you the exact figure. I would like to be right. Might be a cent and a half higher or two cents.

Q. That would bring the price of it how much ? A. Around 12 cents.

Q. Well, here they advertise for 16,000 yards. The price bid is 15 cents, and they take 20,424 yards. Would you consider that a very profitable bid ? A. I would, 15 cents, surely.

Q. Wasn't the county in fact paying more than they ought to for it ? A. I should say so, in all these that I spoke of certainly.

Q. They were paying about three cents a yard, anyway, for 20,000 yards, more than they ought to have paid ? Is that so or not ? A. I would like to get the exact price of that article.

Q. Well, if you can approach it within a quarter or a half cent, or get as near as you can ? A. It is a large item. I would like to be correct on it. I think I could let you know that price in the morning exactly.

Q. You could let us know in the morning? A. Yes.

Q. Will you kindly just get those prices and let us have them in the morning? A. I will, certainly.

Q. Now we will come down a year later, down to 1893. You say the price was gradually falling? A. In a good many cases, yes, sir.

Q. Was it so in respect to flannel? A. Well, that I would rather answer to-morrow too, when I get it all. Everything was dropping down a little. I am not sure about that particular item.

Q. Well now Mr. Walsh, I assumed that you would be able to give these prices to-day. As you have not got them, can you attend to-morrow morning and bring that list with you? A. I will get them, yes.

Q. So as to give us the exact price? A. Yes.

Mr. Kemble.—Well then I will excuse you from further attendance now.

The Witness.—All right, I will be here.

Fred. W. Wetherbee, being called as a witness and duly sworn by Mr. Schulz, testified as follows.

Examined by Mr. Hirsh:

Q. You are a nurse now attached to the hospital in Kings county? A. Yes, sir.

Q. And how long have you been, Mr. Wetherbee? A. Well, somewhere near six years.

Q. In what ward are you? A. Ward 4.

Q. And is that the receiving ward? A. It is.

Q. What do you mean by the receiving ward? A. Well, the ward where the patients are first taken in and examined by the doctors.

Q. Before they are assigned to— A. Before they are assigned to the regular hospital wards.

Q. This is the first ward in which all the patients come? A. All

of the male patients with the exception, perhaps, of some especially violent of the insane, and those are taken most generally directly to the ward.

Q. That would also apply to the violent alcoholic patients? A. Yes, when we have them.

Q. And what is the ward in itself used for—what class of patients? A. Well, there is several chronic cases, as far as patients are concerned. The rest of the ward is occupied by nurses and other employes as sleeping rooms.

Q. What do you mean, Mr. Wetherbee, particularly by chronic cases? A. Well, as I understand it, it is cases of long standing.

Q. Incurables? A. Incurables.

Q. And how many of those are now in Ward 4? A. Four, I believe only.

Q. And the rest of the ward, you say, is occupied by attendants and nurses? A. Occupied by nurses and other employes.

Q. How many beds are in that ward? A. I believe there are thirteen in one room and four in the other.

Q. There are two rooms then to that ward? A. Yes, counting my own—five beds in one ward.

Q. You sleep in the same ward? A. Yes.

Q. So that leaves a sufficient number of beds for the nurses and the other employes in addition to the chronic patients? A. Yes, sir.

Q. And leaves also a sufficient number of vacant beds for patients about to be received? A. Yes, sir. We always—well, as a general rule, there are three beds reserved for emergency cases—that is, cases that are liable to come in during the night, that remain unoccupied in one of these rooms.

Q. Do you remember, Mr. Wetherbee, last winter, whether there was any complaint about the heat? A. I have heard complaints—yes.

Q. Was there much complaint? A. I don't know that I heard considerable last winter—no.

Q. Do you know what the average temperature was during the winter? A. I do not.

Q. Do you recollect days, fairly mild days, when the heat would be entirely shut off? A. No, I can't say that I do.

Q. Are you sure about that, Mr. Wetherbee? A. Well, whether or not it was on account, wholly on account of the mildness of the weather, or because there was an excessive amount of heat on some days sent into the buildings, I can't say; but I am of the opinion that on mild days as an average, that is, speaking of my own ward, that the temperature was greater in proportion, that is, inside of the building, it was greater in proportion to the difference of the temperature outside.

Q. That is, you mean, there was really too much heat there on mild days, and too little on cold days? A. Yes, to put it plain.

Q. How were the halls? A. In the earlier part of the day they were what appeared to me extremely cold, that is, taking cold days.

Q. Well, in your opinion, was the temperature of the wards sufficiently high, generally, during the winter? A. Not in the earlier part of the day, no.

Q. And was complaint made by patients that they were cold during that time? A. Yes, I have heard various patients making complaint.

Q. And was that the case also during the night, that complaint was made of cold? A. That I am not positive about.

Q. Didn't you at night, when you heard complaints made, put your hand upon the radiator and find it was cold? A. I have had my hand on the radiator in my own ward several times during the night, but it wasn't caused to be put there by any such reports.

Q. But you did find it cold? A. I have had occasion to get up for one thing or another myself, and feeling it a little chilly in my own ward, I put my hand on the radiator to see if there was—

Q. And found there was no heat on? A. Take it especially

toward morning, that is after 12 o'clock, take 12, 1 or 2 o'clock, I found the radiator in my ward stone cold time and again.

Q. Well, the complaints made were not limited entirely to the patients were they, Mr. Wetherbee? Employes and nurses and attendants made the same complaints, didn't they, at times? A. Well, I don't know that. I never heard any of the nurses making any complaints. They never made any to me anyway.

Q. Did you ever make complaint to the assistant superintendent about that, Mr. Wetherbee? A. I have spoken to him about the lack of heat, in the earlier part of the day, several times.

Q. Did you, upon the order of the superintendent, go to the chief engineer and tell him to put on more steam? A. I can remember going, not to the chief engineer, but to the engineer in charge of the engine-room, going once at least.

Q. Told him to put on more steam? A. Yes, with a request from the office to put on more steam, yes, sir.

Q. Do you recollect when that was? A. No, sir; the date I do not.

Q. About how long ago, sometime last winter? A. Well, I should say it was along in December. I am not positive as to the date.

Q. What did the engineer say to you? A. If I remember correctly he said that he has got on about all the steam that he could furnish at that time.

Q. Is that the only time you went to the engineer about the heat? A. I won't be positive. It is the only time in my recollection.

Q. Do you recollect the article appearing in the public press regarding the quality of the food and the thin blankets and insufficient heat? A. I remember of such an article, yes.

Q. Do you recollect the fact that immediately thereafter, or about the publication of that, that the blankets were hurriedly changed? A. Well, I can't say that the blankets were changed, but it was about the time of that article that new blankets were given out.

Q. Who gave them out, Mr. Wetherbee? A. That I couldn't say. It was marked in the store-room — the various ward numbers were marked in the store-room and the nurses called down from their several wards and received them.

Q. Who called down the nurses? A. That I couldn't say. Not being one among the number, I don't know.

Q. At the time that article appeared, what was the quality of the blankets? A. Well, I don't know that I am capable of passing judgment on quality.

Q. Well you know whether they were thin or heavy? A. Well, they was what I should call medium, as far as heft was concerned, if I would say anything. I wouldn't call them a heavy blanket by any means.

Q. Could you tell whether they were of good quality or a poor quality? A. Well, I have seen blankets in the building that I really wouldn't consider to be a first-class quality?

Q. Were these blankets that were afterwards given out, better — better quality? A. Not that I was aware of.

Q. But they were new blankets? A. They were new blankets. They made so many more blankets.

Q. That is to say you could cut so many more out of them, is that it? A. No, sir; I say nothing about cutting.

Q. Were the blankets in fact cut there? A. Well, the blankets came in pairs, as I understand it, and they were for convenience sake in handling, the two blankets were cut apart.

Q. Were they ever after that cut in two again? A. Well, I have seen parts of blankets, what I should call half.

Q. Half of a single blanket? A. Half of a single blanket over patients in one of the wards. As to who they were cut apart by I can't say. I don't think they were cut apart in the storeroom.

Q. Do you recollect that Dr. Rhodes, after the appearance of this publication in the public press regarding the quality of the blankets and the food and the heating, came into the various wards and

directed the nurses to turn up a number of them blankets? A. No, I can't say that I do. He gave me no such order any way.

Q. Well, you were stationed in Ward 4 at that time? A. Yes.

Q. And that is not considered one of the — A. It is not considered one of the regular wards, no, sir.

Q. Do you know as a fact, though, that that was done, that that order was given and the blankets were turned up, and then he went through and ordered new blankets? A. No, sir; I do not.

Q. All that you know about it is that new blankets were distributed? A. There were, somewhere about the time that that article came out. I am not positive as to the exact time that the blankets were distributed — new blankets.

Q. Do you recollect the fact that after that publication newspaper reporters came to the hospital? A. I saw a number of men around there, and I was told by some of the other employes that they were newspaper men.

Q. And when they came had the new blankets been distributed? A. Well, that I couldn't say.

Q. You were there from '90 to '94, Mr. Wetherbee? A. Yes, sir.

Q. Steadily, or were you away part of the time? A. In that time I have been — well, with the exception of my vacation, which is two weeks — and I have been away two weeks in each year, and — well, once within that time I have been away on sick leave.

Q. Well, what was the character of the food in 1891 and '92 and '93? A. Well, as to the exact date I am not prepared to say, but in times, several years back, I have known some considerable complaint being made as to the food.

Q. Did that continue for any length of time? A. Well, some one would go to the office and speak about the food, and they would look into it, see what they could do. Sometimes, as far as the table service was concerned, that is, the nurses, there would be an improvement for a time, and afterwards drop back.

Q. What is the character of the food now as compared with that time? A. Well, it is an improvement as compared with four or five years ago, in my opinion.

Q. Are there extra or special meals furnished where set by the doctor? A. I believe there are, yes.

Q. Well, what is the object of these extra or special meals, Mr. Wetherbee? A. As I understand it they are given to patients that are supposed to need something more nutritious than the ordinary food.

Q. That is the object, to give something more nourishing? A. More nourishing and strengthening than the ordinary food.

Q. Do you know whether the meat given in these extra meals is of better or poorer quality than the ordinary meat given? A. At the present time I know nothing about the extras at all except the one that I get in my own ward. That there is no cause for complaint.

Q. Well, do you hear of complaints with reference to these extra meals from others? A. I have not of late, no, sir.

Q. When did you? A. Well, I can't say that I have in a year or a year and half, any considerable complaint, any complaints in fact.

Q. During the years 1890 to '94 did you hear complaints about these extra meals, and that they were really worse than the ordinary meals? A. I don't know that I ever heard it said that they were worse than the ordinary meals, but—

Q. Poorer quality? A. That they were unfit for the purpose it was intended, that is, as an extra food, as extra nourishment, nutriment.

Q. Did you ever have the doctor give directions for patients in your own ward for extra meals? A. Yes, sir. I have had several.

Q. And did you go to the kitchen and get an extra meal for one or two patients of your ward, and been given meat unfit to eat? A. Yes.

Q. That has happened to you? A. Yes.

Q. Do you know when that was? A. Well, that is at least a year and a half back. The same patients, one of the same patients, is getting an extra at the present time, but he gets it from a different source.

Q. What source does he get it from? A. The steward dining room.

Q. Why was that meat unfit to use that you got at the time, what was the matter with it? A. Well, the general complaint that I heard made by the patients that it was for, was the unusual amount of yellow fat, and its toughness, and occasionally we would have meat come up that would smell as if it had been kept in the icebox too long.

Q. It was tainted? A. It was tainted, yes, sir.

Q. Did you make report of these cases to the superintendent? A. Of these cases in my own ward, I spoke about them. I won't say to the superintendent, but to the assistant superintendent. I know I mentioned the fact to him, several times.

Q. You say that you noticed that some of the patients had only half of single blankets. Do you recollect in how many cases you noticed that? A. No, I am not positive. In two or three instances I think.

Q. Did the patients complain of it? A. Complained of insufficient covering, yes.

Q. And it was only by passing through the wards that you would hear that? A. That was all.

Q. Because you were particularly stationed in the same ward, four. Has there been any drunkenness in the hospital on the part of nurses? A. Yes, sir.

Q. What was Hugh Dougherty's position? A. The last nurse in Ward 1, I believe.

Q. How many times has Hugh been there? A. Well, twice within my knowledge.

Q. Do you mean he was discharged once and then was taken on

again? A. I don't say that he was discharged. I know that he was there once, and that he left.

Q. Then came back again? A. Yes, sir.

Q. Do you know how many times that occurred, that he would go away for a time and then come back again? A. Well, only once in my knowledge. That is, he was employed there, and then he left, and then he came back again.

Q. What was his usual condition, Mr. Wetherbee? A. I don't know that I understand your question.

Q. Well, as to sobriety? A. Well, as to time, I don't know that I can speak of his condition. I don't know that I can divide it up—say what part of the time he was sober and what part of the time he was under the influence of liquor.

Q. Well, was he ever very much under the influence of liquor so that you had to help him to bed? A. I was ordered to help him to bed and keep him there at least once.

Q. And to use force to keep him in bed? A. I was having other duties to attend to. I was called away from the immediate vicinity of his bed at that time, and called up and he slipped out of the ward and went back to his own ward. I came in and noticed his absence, started after him again. I had to use a little force to get him back from his own ward to bed where he belonged.

Q. His being under the influence of liquor, did that happen frequently? A. Well, I have seen him under the influence of liquor a number of times.

Q. He was considerable care to the other nurses and attendants when he was under the influence of liquor, wasn't he, Mr. Wetherbee? A. I don't know as to how much with the other nurses, but he was no care to me except at that one time. That was the only time that I was set up over him.

Q. Didn't you understand that he was a nuisance in the hospital? A. Well, when under the influence of liquor—yes, sir.

Q. When he was sober he was a good nurse? A. He was a—

well, more than the average, if I may be allowed to say, when he was sober.

Q. After a spell of drunkenness would he disappear, go away?

A. Not as I know of, not after a spell of drunkenness.

Q. Well, would he disappear during a spell of drunkenness? A. Well, when he disappeared I can't say whether he got out of the way to sober up or not. I can't say whether he was drunk or not.

Q. And when he came back he was still under the influence of liquor, and sobered up in the hospital? A. No, sir. What I mean by disappearance is that I wouldn't be able to find him in his ward at times during the day, at times other than when he was supposed to be out on a pass.

Q. Is he on now or is he away? A. He is away, sir.

Q. Away on pass? A. No, sir, as I understand it he is not in the employ of the county. I have no positive knowledge, but I understand he is not.

Q. Do you know Thomas Healey? A. Yes, sir.

Q. Was he also a pretty good drinker? A. He drank at times, heavily, I believe.

Q. Did you ever have to help him to bed? A. No, sir.

Q. When he was drunk? A. No, sir.

Q. At no time? A. Never had to help him to bed, no, sir.

Q. Do you know how often Healey had these periods of drinking? A. Well, as far as I observed there was no set interval between his periods of drunkenness and sobriety, or periods of drunkenness.

Q. How long had you known him? A. Well, ever since he had been employed in the institution. I don't know how long that is exactly.

Q. Well, were his periods of drunkenness frequent or infrequent?

A. Well, I should rather say frequent.

Q. Did you ever see him in the ward while drunk? A. Yes.

Q. Waiting on patients during that time, or lying down? A. Neither.

Q. Well, what did he do? A. Standing in the middle of the floor talking.

Q. Talking loud? A. No, not particularly loud.

Q. Wasn't attending to his duties as a nurse? A. Well, at the time I saw him I can't say that there was anything needing his attention at that time.

Q. Do you know whether any of the nurses were under the influence of liquor at night while they were on duty? A. I do not.

Q. Don't you know that? A. I don't know that.

Q. Do you know James Walters? A. Yes.

Q. Or Waters? Is he also a drinking man? A. Well, I have drank with him.

Q. Ever seen him when he was under the influence of liquor? A. Seen him when I have thought that he was under the influence of liquor, yes, sir.

Q. Is Smith a nurse, John Smith? A. Yes, sir.

Q. Is Flynn? A. Yes.

Q. Charles Enck? A. Yes.

Q. John Donovan? A. Yes.

Q. Murphy? A. Yes.

Q. James Fergus? A. Yes.

Q. Peter Burns? A. Yes.

Q. William Lewen? A. Yes.

Q. Andrew Flemming? A. Yes.

Q. These are all nurses? A. Yes.

Q. Are they all drinkers? A. Some of them don't drink. That is, within my knowledge, I can't say that they do drink. I don't pretend to be conversant with the habits of all the nurses.

Q. Well, you come in contact with them all? A. Yes.

Q. And don't you know whether they are all or not all drinkers?

A. I do not. There is some of them that I couldn't say whether they ever drank a drop in their life.

Q. Well, you know John Smith you know whether he drinks. I don't mean to excess, I simply mean whether he is a drinker? A. No, I can't say that I have any knowledge of his drinking. I never saw him drink, have never drank with him, nor never saw him under the influence of liquor.

Q. Does Walsh drink? A. Let's see, Walsh, that is the night nurse. I think he does. I am not positive.

Q. Does Flynn drink? A. That I don't know.

Q. Never drank with him? A. No, sir.

Q. Does Charles Enck drink? A. Yes.

Q. Donovan, is he a drinking man? A. I couldn't state positively.

Q. Well, what is your best knowledge on the subject? A. Well, I should say that he did.

Q. How about Murphy? A. I have no knowledge of his drinking.

Q. How about James Fergus, does he drink? A. Yes.

Q. You have seen him when he was under the influence of liquor? A. Yes.

Q. Well, you have seen him also when he was put in Ward 31, haven't you, that is the violent ward? A. No, sir.

Q. Well, did you know of his having been put there? A. As a matter of rumor, yes; as a matter of hearsay.

Q. But hearsay in the hospital, Mr. Wetherbee? A. Yes, sir.

Q. Does Peter Burns drink? A. I am not positive as to whether he does or not.

Q. Lewen's isn't a drinking man? A. Not to my knowledge.

Q. How about Flemming? A. Not to my knowledge.

Q. Did you ever see Enck drunk? A. I can't say that I ever did — well, say drunk —

Q. Under the influence of liquor? A. I never saw him with as

much on board but what he could carry himself and perform his duties.

Q. But in spite of that you knew that he had been drinking?

A. Why certainly. The gentleman himself doesn't attempt to disguise but what he takes a drink when he wants it.

Q. Enck is the oldest male employe in the institution? A. No, he is the oldest nurse to my knowledge:

Q. The oldest male nurse? A. Oldest male nurse to my knowledge, oldest in point of service.

Q. Did you ever know of nurses getting whiskey on prescriptions from the doctors, or from the apothecary? A. Prescriptions issued to patients. I never knew of a nurse getting a prescription from a doctor for himself.

Q. Well, did you ever know the nurses to use whiskey that they would get on a prescription for a patient? A. I can't say that I ever knew of their using whiskey, no, sir.

Q. Well, you mean by that you didn't see them use the whiskey; is that what you mean? A. No, I mean whiskey. By whiskey I mean whiskey; I don't mean wine, or brandy, or milk punch.

Q. You have seen them use brandy and milk punch and wine? A. I have seen one nurse using milk punches.

Q. Drinking them himself? A. Yes.

Q. Was that lately, or some time ago? A. That is some time ago.

Q. Do you know who that nurse was? A. I know the nurse, but tell you the truth I am forgetful of names; but the nurse is a nurse — he is not employed there now.

Q. Do you know whether the prescription for the milk punches were given by the physicians? A. I do not.

Q. Well, there is no other way of getting milk punches or liquors except by prescription, is there Mr. Wetherbee? A. No, sir; not out of the apothecaries' department that I know of.

Q. Well, is there any other place that milk punches or liquors

can be obtained? A. Well, they could obtain them from the outside, I suppose.

Q. Do you know of any of the physicians at any time, present or past, favoring nurses by giving them prescriptions for milk punches or brandy or wine? A. No, sir.

Q. Never knew of that? A. No, sir.

Q. Are there proper accommodations in the hospital for the nurses, Mr. Wetherbee? A. I consider not.

Q. Does the superintendent, Dr. Arnold, take an active part in the superintendency of the hospital? A. I haven't any information that he doesn't perform his part of the duties.

Q. I don't ask you to criticise his action. He is here and I can feel how you feel about it. I want to know whether either he takes an active part himself, or whether the assistant does the active part in superintending the hospital; whether he is the active man or whether the assistant is? A. I can't say. I don't think the activity is wholly — I don't think the activity is wholly on the part of either one or the other. In fact I have seen them both quite active at times.

Q. The hours for the nurses are what? A. Half-past five in the morning till 9 o'clock at night for the day nurses.

Q. And the hours for the night nurses are from 9 o'clock at night to 5.30 in the morning? A. Yes, sir.

Q. And do the day nurses rotate for night nurses? A. Not all of them.

Q. Well, do they on the third floor? A. I think they do — well, the third floor, I don't know whether you could call it the third or fourth floor. Some would call it the fourth floor, perhaps.

Q. Well, in Wards No. 10, 11, 12 and 13? A. No, I believe they do not.

Q. There are no night nurses in those wards? Isn't that so — no regular night nurses? A. There is no night nurse to individual wards on that floor, no, sir.

Q. Isn't it a fact that for those wards the day nurses rotate in performing the duty of night nurses? A. Well, the day nurses perform the duty of night nurses only when they may be short of one of the regular night nurses.

Q. Well, they are short one of the regular night nurses there now, are they not? A. They are.

Q. So that the day nurses do duty for night nurses part of the time? A. Well, yes, at the present the nurse who is performing the night duty is one who has no day duty to perform, his own ward having been turned to other purposes, patients transferred to other wards.

Q. So that the night nurse is now a former day nurse? A. One of the night nurses now —

Q. Was formerly a day nurse? A. Was formerly a day nurse.

Q. Are there not some day nurses who do night nurse duty at times? A. Well, I am not prepared to state that there are at the present time?

Q. Is there any place for day nurses, when they are off duty, to sleep, except in the wards to which they are accredited or assigned?

A. There is several nurses sleep in the wards to which they are accredited, and the remainder occupy beds in —

Q. Your ward? A. My ward; yes, sir.

Q. Are those proper places to sleep, proper places to rest in, for a nurse that has been on all day or all night? A. No, sir.

Q. Can they rest well in those places? A. Well, some nights they may be able to get a fair night's rest. At other times they are liable to have it broken. You can't tell, being connected like two doorways with the main receiving ward, they will be apt to hear any noises that is going on in that room. You can't tell at what time during the night some emergency case may be brought in. The case brought in may be a severe accident case or it may be a case of horrors. You can't tell. Liable to make more or less noise and cause annoyance.

Q. Did you ever know of any cases of brutality on the part of nurses towards patients? A. I can't say that I ever heard of any cases.

Q. Where nurses hit patients, you ever know of that? A. No; I have no positive knowledge as to that.

Q. No personal knowledge? A. No personal knowledge.

Q. By that you mean you never saw a nurse hit a patient? A. Well, by that I mean that all the knowledge that I gained is from what you call floating rumors, or rumors floating around the wards.

Q. But you have heard of those things being done in the hospital, Mr. Wetherbee? A. Yes, I have heard rumors to that effect.

Q. In the hospital? A. Mostly from the patients. In fact I might say wholly from patients, at different times.

Q. Did you ever know of Healy being charged with brutality to a patient? A. No, sir.

Q. Never heard that? A. I never heard of it.

Q. Is the intelligence of the nurses a high standard? A. Well, that I am not prepared to state. I don't consider myself to be a competent judge of their capacity.

Q. But we picked you, Mr. Wetherbee, because you were an intelligent man. Now, from your standard, I want to know what is the intelligence of the other nurses—the average nurse there? A. Well, as nurse, I think that their standard of intelligence might be improved, as nurses.

Q. Well, they are compelled to obey the orders of physicians? A. Yes, sir; they are supposed to.

Q. And frequently the night nurse is compelled to know enough to administer medicine to patients? A. Well, I don't know who is to administer medicine if the night nurse doesn't do it, that is, any medicine to be administered during the night.

Q. Now, how are the orders of the physicians given, in writing or verbally, as to the various patients who are to receive medicine?

A. Well, I am not prepared to state that they do not give written orders, but I have never received any written orders ; any orders that I may have ever received have been verbal orders.

Q. And you were told that such a patient was to receive so many teaspoonsful or so many drops of a certain medicine ? A. That is to say, verbal orders—the medicine as we get it from the drug store has a printed label on it stating how many teaspoons or how many table-spoons is to be given ; one or the other, when it comes to the ward, of those, is scratched off, leaving the one, the rule that is to be followed ; but the doctors in addition to that I believe very often, that is in my case anyway, give verbal instructions.

Q. Now where the intelligence of the nurse is not of a fair order, the doctor's orders are not in all instances obeyed, are they Mr. Wetherbee ? A. Well, I am not prepared to say as to that.

Q. Well, you have known instances haven't you, or been told of instances, or heard of instances where instead of a teaspoonful of medicine being given at night a tablespoonful has been given ? A. No, I can not say that I have.

Q. Never heard of that ; have you heard of cases where medicine has been improperly given, whether in large or small doses ? A. No, sir.

Q. At no time ? A. At no time.

Q. Is Donavan a very intelligent man ? A. Speaking of him from the standpoint of a nurse, I don't think that he is ; no, sir.

Q. You have stated that one of these nurses, you saw him in the ward to which he was accredited, was then under the influence of liquor ; do you think that such a nurse could obey the doctor's orders in giving a patient the medicine to which he was entitled ? A. I don't think, in fact am pretty positive, that such a nurse, if the doctors had come in and given him orders, that he wouldn't have been competent of faithfully carrying them out.

Q. What kind of a man is this Peter Burns ? A. Well, most that I

know of him is that he is a rather quiet sort of a man ; as to his character I can not say.

Q. Have any fights with patients ? A. Burns ; not that I know of.

Q. Do you know what ward he is in ? A. Ward 29.

Q. That is the alcoholic ward ? A. Male side—yes, sir.

Q. You never heard of his having a fight with the patients there ?

A. Never in my life.

Q. The hospital generally is under the care, so far as physicians are concerned, of the internes who are there daily and the visiting staff—
—isn't that so ? A. Well, the wards are immediately under their charge, if that is what you mean, as I understand it.

Q. Yes ? A. Yes, sir.

Q. Do you recollect two cases of typhoid fever that are there ? A. Well, I know two cases that are there that are called typhoid fever.

Q. That what ? A. That they say is typhoid fever—yes, sir.

Q. Do you know from what ward they were taken to the fever ward ?

A. There is only one of them ; one I know was taken from Ward 2 — the surgical ward.

Q. Where was the other one taken from ? A. I couldn't state — I don't know.

Q. Do you know how long they were in the hospital before they were taken to the fever ward ? A. I can't state as to how long this case was in the hospital—for some considerable time ; I can't state any period — this case that I have reference to from Ward 2.

Q. You mean that he was in the hospital for some time before he was taken to the fever ward ? A. Yes ; he was an inmate of Ward 2 for some time before he was taken to the fever ward.

Q. Do you know whether the cases of typhoid arose about the same time ? A. I do not.

Q. Do you know what the sanitary condition of the hospital is, Mr. Wetherbee ? A. Well, it is not what I think—what could be called A No. 1.

Q. Is the fact that the water-closets are on the same floor with each ward, in the same room, without being partitioned off entirely from the room in which the patients are, in any way for the benefit or detriment of patients? A. It is a great detriment to the patients.

Q. And it is of no benefit to the nurse who has to sleep in the same room? A. No benefit to any one that has to stay in the ward, nurse or patient.

Q. Are the internes quick to attend to the wants of the patients? A. Well, as to that I can not say outside of my own ward.

Q. How are they in your own ward? A. Well, there is times that we have had to wait some considerable period before we could get a doctor for cases that were supposed to be attended to as soon as possible.

Q. Were there times when you have gone to an interne, or sent to him, several times before he came? A. There have been times that I have been to him, yes.

Q. Where does the interne stop when you go to find him—where is his place? A. Well, during the day time, or the early part of the evening, they may be around in any one of the wards under their charge, or they may be in their rooms in the main building of the institution.

Q. Are they ever out on the lawn playing lawn tennis? A. Yes, they do go out at times.

Q. Every day? A. Not that I know of.

Q. And have you gone to them, or any of them, when they were playing lawn tennis and wanted them and had to wait for them? A. Yes sir; one instance.

Q. Is that lately or some time ago? A. No, it is some time back; the gentleman is not there now; he served his time.

Q. Left how long ago? A. Well, I couldn't say positive.

Q. Two or three weeks ago? A. Well, it may be four or five, as near as I can state.

Q. Who is the person that exercises jurisdiction over the internes there, Mr. Wetherbee? A. I don't know who it is, whether it is the superintendent or the assistant that is supposed to do it, or the visiting staff—no knowledge of it whatever as to whose business it is

Q. You don't know who directs them; suppose you have a complaint to make against an interne; now, the case that you have stated, where you had to go for an interne who was playing lawn tennis, and you couldn't get him; now if you want to make a complaint about him who would you go to? A. Well, I should go to Dr. Arnold? if I couldn't find him I should go to Dr. Rhodes; I don't know that there is any particular order commanding me to do so, but then I should do that way.

Q. Is there ample room for the patients now in the hospital? A. No, sir.

Q. The hospital overcrowded? A. Yes.

Q. What do you do with the patients? A. Well, what we have not got beds for sleep on the floor on mattresses.

Q. Anywhere else? A. Not that I know of.

Q. How many patients are there in the hospital now? A. I can't state positive, something between 500, 550 I should say at present; I can't state the exact number.

Q. Is that to the benefit of the patients, to sleep on the floor A. No, I don't think it does them any good.

Q. Did you know of cases where old patients, or patients who had been there for some time, had to give up their bed to new patients coming in? A. Well, I have known patients having to give up their beds, but I can't say that they were old patients; there might have been instances where they were old.

Q. Why were patients compelled to give up their beds to others? A. Well, as I understand it they were striving to do the best they could for the patients they had—gave the bed to the one they thought his condition needed it the most.

Q. Did you ever know that changing from the bed to the floor had had any bad effect upon the patient? A. I don't know that I ever heard of any cases of particular bad effect, though I had heard lots of growling; but then that is not always—doesn't always follow that it is a bad effect.

Q. Well, the growling in the hospital, from what I understand, is regular, isn't it? A. Oh, there is enough of it I guess.

Q. The growling is against the food, and nurses and doctors and superintendents? A. Well, it is all around in fact, back and forth.

Q. It is all growl? A. Well, that is, I mean to say they all take a hand in it once in a while.

Q. Where do the patients eat, in the ward? A. The majority of them, yes, sir.

Q. Is there any place there for convalescents? A. No, there is no ward that is particularly designated as a convalescent ward in the building.

Q. How is the food brought into the wards for the patients to eat? A. Well, in tin pails and cans.

Q. And dished out there? A. Dished out in the wards, yes, sir.

Q. Who dishes it out? A. Well, in a great many instances I guess some convalescent patient in the wards.

Q. And the wardens too, the attendant? A. Yes, I have seen nurses that attended to that, but they do not all do it, that is, as far as my observation goes.

Q. That is usually done by convalescent patients? A. I won't say that it is usually, but then I know of—

Q. Well who does it if it is not done by the convalescent patients? A. Well, the nurses.

Q. Is the food given to nurses of a better quality than that given to patients? A. Yes, I am inclined to say it is.

Q. The food for the nurses comes from the steward's table? A. No, it is cooked in the county kitchen and sent in specially for them.

Q. The nurses have a special table? A. The nurses have a dining room that is used by themselves, yes, sir, special table in the dining room for the nurses to eat at.

Q. Is that the same dining room in which the internes eat? A. No, sir.

Q. Then there is a special dining room for the nurses? A. There is a dining room for the nurses and —

Q. Other employes? A. No; some of the others; workmen and employes.

Q. Well, if the nurses attend to dishing out the meals for the patients, then they must wait until the patients are through before they get their meals, or have they different hours for their meals? A. Different hours.

Q. What hour are the patients fed? A. Well, now for instance, the dinner—the patients' dinner comes up at 12 o'clock, and the male nurses have their dinner at half-past.

Q. There are great improvements that might be made to that hospital, even in your opinion, Mr. Wetherbee? A. There is always a chance to improve.

Q. Might be some improvements in the nurses; might be some improvements in the place for nurses to sleep; might be some improvements in the sanitary conditions? A. Yes, sir.

Q. And in the room for patients? A. Yes, I should say that there could be decided improvement in those directions.

Q. Couldn't be any improvements in the superintendent and assistant superintendent? A. I am not criticising.

Q. Nor in the physicians? A. I am not criticising.

Q. The internes that are there are mainly very young men? A. They are all young men—what I should call young men anyway; there are not any of them that have reached middle life as I know of.

Mr. Keenholts.—This committee will stand adjourned until to-morrow at 10 o'clock.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON
AFFAIRS OF CITIES AT A MEETING HELD AUGUST
9, 1895.

Present — Messrs. Schulz and Keenholtz, of committee.

Mr. Hugo Hirsh, of counsel.

John W. Williams, having been called as a witness, and duly sworn by Mr. Schulz, testified as follows :

Examined by Mr. Hirsh :

Q. Mr. Williams, where do you reside ? A. At 82 Fleet street.

Q. And were you formerly a nurse in the Kings County Hospital ?

A. Yes, sir.

Q. When was that ? A. That was in 1894.

Q. From June 1893 to February 1894 ? A. Yes, sir.

Q. And after that did you become ill ? A. Yes, sir.

Q. And became an inmate of the hospital ? A. Yes, sir. .

Q. How long did you remain there then ? A. I remained there from September, 1894, till June, or till July 24th.

Q. 1895 ? A. 1895 ; yes, sir.

Q. And were you there in that hospital for some years before you were employed as a nurse ? A. Yes, sir.

Q. How long were you there ? A. Well, I was admitted there on April 7th, 1891.

Q. For when ? A. April 7, 1891 ; I was admitted there first as a patient.

Q. You were admitted into the hospital ? A. Yes, sir.

Q. How long did you remain there then ? A. I stayed there until December 22d.

Q. Of the same year ? A. Yes, sir ; of the same year ; then I went as nurse to the contagious ward.

Q. You went as nurse into the contagious hospital ? A. Yes, sir.

Q. And how long did you stay there? A. Until the following May.

Q. Where did you go then? A. Then I was foreman in a livery stable in Flatbush, for doctor F. E. Schultz, the veterinary surgeon.

Q. Yes; what then? A. And I worked there all summer, until about the 23d of November, when I was taken down again with this rheumatism; I was subject to this rheumatism, and admitted again as a patient there.

Q. During this time and up to last month, when you left there, have you noticed the character of the nurses—the calibre of the nurses that are employed there? A. Yes, sir.

Q. Can you say what they are—intelligent, sober? A. No, sir; I should not say they were intelligent.

Q. Just state what you can say about them, Mr. Williams? A. Well, the common talk out there is that they are all called thick-headed.

Q. Well, you have seen them yourself? A. Yes, sir.

Q. And you have been a nurse there; what have you noticed about them? A. Yes, sir.

Q. I say, what have you noticed about them? A. Well, I think they are not only thick but brutal and drunk.

Q. By thick, do you mean ignorant? A. Yes, sir.

Q. Have you noticed any brutality on their part? A. Well, in some of the wards there; there is one there, Ward 6, Patrick Walsh is the nurse, and he don't think nothing of taking a patient and giving him this "run up the floor," as they call it—take an old man and get him by the back of the neck and the slack of the pants and run him into the water-closet.

Q. He does that to old men? A. Yes, sir; he does that to old men.

Q. Was that lately? A. That was while I was on duty, in 1894.

Q. Is Walsh still there as a nurse? A. Yes, sir.

Q. Is there anything else that you have noticed with reference to

the conduct of the nurses there? A. Well, as far as that is concerned I have seen a lot of them full.

Q. You have seen them drunk? A. Yes, sir; several times; you can get all the drink you want, right there in the hospital, if you have got money.

Q. From whom? A. Well, in various ways—one way, on the doctor's prescription; the nurse will say to the ward doctor, "doctor, I would like to have 4 ounces," everything goes by the name of ounces there, "and don't mark it for me, because the superintendent or assistant will get on to the slip, but either mark it to a bed, or to this patient in the bed;" the nurse understands what it is; he gets it.

Q. And then the doctor—you mean by that one of the internes? A. Yes, sir.

Q. Then he gives the prescription? A. Yes, sir; you can get it at any time; that is one of the ways of getting it.

Q. What is the other way? A. There is a man named William Casey, he is yard man; he is not on the pay-roll; he is an outside man working there; he sleeps in what they call the O. K. ward; that is the unpaid employes' ward, and this man is a runner for everybody for whiskey; you have to pay him 30 cents a bottle, 25 cents for a half pint and 5 cents for his trouble, and nine times out of ten he gets a little drop out of the bottle in addition to that; in fact he goes and canvasses the building every morning to drum up trade.

Q. What is the difference between a nurse and a ward man? A. The ward man is an unemployed man; they are mostly intelligent men and they do all the duties.

Q. They were formerly patients there? A. They are patients now.

Q. Those are the ward men. A. Yes, sir.

Q. The patients who can go around and do not need to lie in bed? A. They get the cream of the land; they do not lose their bed.

Q. They do not lie in bed; they are convalescents? A. Yes, sir; they are on their feet.

Q. This man Casey, you say, drums up trade throughout the hospital for what he can do—what he can buy for the people? A. Yes, sir.

Q. And it is generally for what he can buy in a liquid state? A. Yes, sir.

Q. And did that continue up to the time you left there in July last? A. Yes, sir.

Q. Do the doctors know of this state of affairs? A. Well, I think they do in some cases, but they don't say much about it.

Q. Do the doctors when they give prescriptions that are charged to beds know that it is really for the nurses? A. Why certainly; the nurses asks them personally for it.

Q. Does the doctor ever give prescriptions for milk punches? A. Yes, sir; you can get everything—milk punch, 4 ounces of whiskey or 4 ounces of sherry; that is all there is there.

Q. Or brandy? A. Yes, sir; or brandy, but it is mostly whiskey.

Q. Then a nurse who becomes intoxicated does not need to go outside for that which intoxicates him? A. No, sir.

Q. He can get that inside? A. Yes, sir; he can get it that way and he can get it from visitors coming in; visitors can bring a barrel in.

Q. What's that; a visitor can bring a barrel in? A. Yes, sir; visitors could bring a barrel in—there is nobody to search them or anything; on visiting day, as a general thing, you will find on the outside of the building bottles strewn in all directions that have been shied out of windows, after Wednesdays and Sundays—and the patients in a state of inebriation also.

Q. The bottles strewn around after visiting day I assume are empty ones? A. Yes, sir.

Q. And that shows the extent that visitors had presented the inmates with liquor? A. Yes, sir—this man Casey, this yard man, he collects those bottles and he does quite a large trade in that, in getting so much a piece for them from the saloon keepers.

Q. For filling them? A. No, sir; for the empties; he get so much apiece for them.

Q. And that has been going on during the entire time you have been there? A. Yes, sir.

Q. Since 1891? A. Yes, sir; and previous.

Q. There has been no material change in that matter? A. No, sir.

Q. Well, has the superintendent or the assistant any knowledge of this? A. Yes, sir; they have.

Q. In what way? A. In one sense, in the way that they were both internes themselves, and there is no wrinkle in any building that they do not know.

Q. You say you think they ought to have knowledge of that by experience? A. Yes, sir.

Q. Do you recollect when Doctor Rhodes was an interne there? A. Yes, sir; he was a ward doctor under me.

Q. He was what? A. He was one of my ward doctors.

Q. When you were a nurse there? A. Yes, sir.

Q. And did he have the experience at that time? A. Yes, sir; the same thing; in fact he had a pretty good little name himself; that is what they mean—a nurse could hit him easy.

Q. That is, he was not a difficult man to deal with? A. No, sir.

Q. You know that by experience? A. Yes, sir.

Q. You hit him yourself? A. Yes, sir; I hit him myself—yes, sir.

Q. Do you know the names of the internes there now? A. Yes, sir.

Q. How many of them are there? A. I think there are six, if I am not mistaken.

Q. Six or eight? A. Six or eight; yes, sir.

Q. What do the internes do there, Mr. Williams? A. Well, they are supposed to assemble in the drug room at 9 o'clock in the morning, and they separate from there to the different wards; each one has so many wards; the 32 wards are divided up among them; the senior

interne has the most number of wards ; they commence on the surgical ward when they go into the building.

Q. Who has charge of the internes ? A. Dr. Rhodes.

Q. The assistant superintendent ? A. Yes, sir.

Q. Are they under his care and orders ? A. Yes, sir.

Q. You are sure about that ? A. Yes, sir.

Q. And Dr. Rhodes is the assistant superintendent ? A. Yes, sir.

Q. He has no power to prescribe ? A. Dr. Rhodes has two wards to take care of himself, and he prescribes for them wards — that is Ward 4 and Ward 21.

Q. That is the receiving ward ? A. Everybody, that comes into the building gets into that ward, and Ward 21 is the same thing on the women's side.

Q. Those are the wards from which patients are distributed ? A. Yes, sir.

Q. And then there are a few chronic patients in the ward besides ? A. Yes, sir ; there is patients that have been there for years living in there.

Q. Now, what do they do during the day ? A. They make their rounds through each ward.

Q. To which they are assigned ? A. To which they are assigned, until 12 o'clock ; their books have got to be in the drug-room — that is, the prescription book.

Q. What time does the visiting physician come there ? A. They usually get there about 10, 10.30 or 11 o'clock ; somewhere around there, twice a week.

Q. And then he goes through the wards with the interne ? A. Yes, sir.

Q. No prescriptions for liquors are ever used by the internes for themselves or the visiting physicians ? A. That I can't say anything about.

Q. And then they go through these wards with the visiting physicians, and the visiting physicians make comments and make suggestions ? A. They have to obey the visiting doctor's orders ; the case — when a patient is received into the hospital first the senior

interne examines them and then he is given a bath first, and put into this white suit — the paper suit they call it out there — and then he takes a seat to one side and the assistant superintendent comes in and he sizes up the man; he looks at the diagnosis of the case and he assigns him to the wards; there is a different thing in this assignment business; the intelligent class of people that go in there the assistant superintendent is supposed to watch those, and if a man is intelligent he is sent to Ward 13; that is to keep them dark — that is what is called in the nurses' parlance "the writer's ward;" those people are used a little better, so that they will not write letters out to their friends, and he is supposed to use his judgment in that.

Q. And those who are not so intelligent? A. They are put under what are called, in a laughable way, the trained nurses.

Q. Under the trained nurses — or untrained, actually? A. They are untrained; they call them the Latin scholars.

Q. The what? A. The Latin scholars; some of the patients, you know, out there, know a little something, and it is kind of galling to get out there and be ruled by such a man; they are the czars of the ward; they are the supreme power; even the ward doctor can't say anything in that ward.

Q. You are referring to the nurses there? A. Yes, sir.

Q. Do you recollect the names of the nurses there? A. Yes, sir.

Q. Walters? A. James Walters, the nurse of Ward 1.

Q. Is he a drinking man? A. They all drink.

Q. They all drink, eh? A. Yes, sir.

Q. Some more and some less? A. Yes, sir; some more and some less.

Q. Does Walters belong to the "more" or the "less" kind? A. I guess he is about medium, I guess.

Q. He belongs to what might be called a fair average? A. Yes, sir; he belongs to what might be claimed a fair average.

Q. John Smith, of Ward 3? A. He is a new nurse, and hasn't been there very long; I don't know anything about him.

Q. You have not fully diagnosed his drinking capacity? A. No, sir.

Q. And Fred. Wetherbee, of Ward 4? A. He has been there for some years.

Q. A good man? A. Yes, sir; he is a good man.

Q. A drinker? A. Very seldom.

Q. Barney McTiernan? A. He is a nurse in Ward 5; he took my place; this Barney McTiernan is a boy; they call him "the boy nurse;" he is so fixed, you know, that he don't know enough to get out of his own way; why, the patients ridicule him — both him and the nurse of 6 — they are adjoining wards; they call them the flannel-mouths; in Ward 6 this nurse is so thick that two of the patients, James Griffin and Thomas Hyland, couldn't stand him, and they both went to the two superintendents — Hyland went to Dr. Arnold and Griffin to Dr. Rhodes — and complained about this man, about his carrying on and one thing and another.

Q. You refer to Patrick Walsh, of Ward 6? A. Yes, sir.

Q. How long has McTiernan been there? A. He came there on March 28th.

Q. What year? A. Eighteen hundred and ninety-five.

Q. This year? A. Or 1894, I should say; he took my place; he was appointed; I was thrown down for him — I don't know as I was thrown down, exactly — my name was taken off the pay-roll on account of sickness.

Q. Of course McTiernan is a citizen and a voter, and has been here a long time? A. No, sir; he has not been here a long time; he came direct from Ireland here.

Q. Direct to the county institution? A. On his way from the part of Ireland that he belonged to he stopped in Liverpool at an English Jew's tavern, on his way over, and after he arrived here this job was cut and dried for him; he came here, and who did he meet in this ward but the same Russian Jew that kept the tavern in Liverpool; he had been taken sick in New York, when he came here, and as he was a State patient he was sent there — and he looked at this greenhorn boy, wondering how such things could be.

Q. Was it in 1894 or 1895 that McTiernan got this place? A. In 1894.

Q. A year ago last March? A. Yes, sir; a year ago I am speaking of.

Q. Did you say whether McTiernan was a drinker or not? A. Well, that I couldn't say; he is a young man; I wouldn't say; he has made such trouble with the patients that he has had them —

Q. What trouble has he made with the patients? A. They wouldn't stand his ordering around.

Q. What did he do or say? A. A man who is a patient, he is sick, and he is not supposed to do anything; the nurses are supposed to do it, but the nurses themselves do nothing, and the patient that refuses to do anything his card is taken down and he is rustled down on the street, and the patient can not open his mouth on that account, because the nurses will have it in for him, and this work has got to be done — the ward is scrubbed Wednesday and Saturday morning, thoroughly scrubbed — and he stands there and looks at them do it.

Q. Who does? A. The nurse.

Q. And the patient does the work? A. Yes, sir; the patient does the work.

Q. And is that done in all the wards? A. Yes, sir.

Q. And all the patients do the work? A. Yes, sir.

Q. Do you mean that if they are in the insane ward they will have to do the work? A. No, sir; that is a different ward; we don't count that ward at all in the hospital — but they have to work the same as the others.

Q. In the alcoholic ward? A. Yes, sir; they all have to work.

Q. What do the people do in the fever wards? A. They have to work.

Q. A person suffering from typhoid fever? A. I mean those on their feet.

Q. It is confined to the parties who are on their feet to do the work? A. They are not supposed to do the work; the others are supposed to wait on them; a nurse never goes near them.

Q. A nurse seems to be there largely for ornament? A. Yes, sir.

Q. And for milk punches? A. Yes, sir; the nurse never thinks of going and attending to the patient — especially himself, but he

kind of has the ward man around to do it; the nurse out there is so vain that he thinks it is beneath his dignity to empty a bed-pan or a chamber, but he has these patients under him to do it for him.

Q. What have you seen McTiernan do so far as patients are concerned? A. I have not seen him do anything myself, because I was not under his control or in his ward; this is only the common talk out to the hospital.

Q. How about Patrick Walsh, of Ward 6; is he a drinker? A. Yes, sir.

Q. Heavy? A. No, sir.

Q. How about Thomas Healey? A. He was called the "tank" of the hospital.

Q. Is there any other name that he has got? A. Well, he was the nurse of the venereal ward, and there is a pretty tough gang in that ward, and he was up against this gang all the time, and of course these people were pretty quick people, and they wouldn't allow this terrier to talk to them and order them around; they are strong, healthy patients outside of their trouble, and they would pick him up and throw him out of the window — but if he kept his feet down and used them white, as white men, he could get along with them for years; when he was there he was intoxicated all the time, and he would bring this trouble on himself; I have seen him going on night duty when I was a patient in Ward 13 so drunk that he couldn't stand straight.

Q. And then he went on night duty? A. Yes, sir; he stayed on night duty all night, after doing day duty all day.

Q. After doing day duty? A. Yes, sir.

Q. Was this drunk the result of his day duty? A. It was Sunday night, and Sunday there are a great many bottles brought in that ward.

Q. That was the result of visiting day? A. Yes, sir; that was the result of visiting day.

Q. Now, a night nurse should be a competent, sober nurse? A. They should be; yes, sir.

Q. A night nurse is compelled to follow the instructions of the physician regarding the administration of medicines? A. Yes, sir.

Q. And whatever has been prescribed, whether it is in drops, teaspoonsful or tablespoonsful, they should give? A. According to directions.

Q. Did you ever see the night nurse so drunk that he gave tablespoonsful for teaspoonsful? A. Yes, sir.

Q. Does it happen often? A. The patients themselves are scared to take the medicine of these nurses; there is a medicine glass there, and if it is a powerful drug, such as digitalis, and that is very powerful — if the doctor says a teaspoonful, he means a teaspoonful, and this fellow's hand is shaking so that you are as liable to get a tablespoonsful as a teaspoonful, and you are liable not to get your medicine at all half the time.

Q. In pouring out the medicine and measuring it, they put it in a medicine glass? A. They put it in the medicine glass.

Q. A graded medicine glass? A. Yes, sir; a graded medicine glass.

Q. It is not put on the spoon? A. No, sir; it is a graded medicine glass.

Q. And that shows how much is a spoonful and so forth? A. Yes, sir.

Q. But their hand shakes so that a teaspoonful and a tablespoonsful is not readily distinguished? A. Yes, sir; and then, another thing; these patients are so highly educated that they cannot read or write, so that they get the patient to read the directions on the bottle; one nurse there —

Q. Do you mean the nurses or the patients are so highly educated? A. The nurses.

Q. That they can not read the directions on the bottle? A. On the bottle.

Q. Are instructions given by physicians in writing or verbally? A. They are given verbally, but the instructions are on the bottles.

Q. In addition to what is on the label on the bottle? A. In addition to what is on the label on the bottle.

Q. So that if a nurse can not read the directions on the label he is entirely dependent on the verbal instruction of the physician? A.

Yes, sir; but he can not remember them, and his right bower, the ward man, attends to that; he never pretends to do that.

Q. The ward man is usually a patient, and he don't get drunk?

A. Why, sure; that is about the principal thing that they do do; they get all what they call the graft out there.

Q. What is meant by that? A. The patient's friends bring in a bottle, and of course if this patient was in bed and his relatives came and brought a bottle, this ward man would be on to him like a hawk, and if he didn't stock up with him he would pound him for it; so that in order to get little favors he would divide with him, and visiting days he divided up pretty often sometimes.

Q. All these are facts within your own knowledge that you gained there? A. Yes, sir; these are facts.

Q. Do you know Flynn? A. Yes, sir.

Q. Is he a drinker? A. Yes, sir.

Q. A hard drinker? A. No, sir; not that I know of.

Q. Do you know Encke? A. Yes, sir.

Q. Is he a hard drinker? A. Well, yes; they call him that; he is not so bad as he used to be, because the superintendent called him down for his own good; he was transferred from the surgical ward, where he was years, and sent up to the phthisis ward, the consumptive ward, where it would be a little easier on him; of course in the consumptive ward they never attend to them; the doctors come up and say, "Well, how many night doses do you want in there to keep them quiet during the night;" they never pretend to get into there; it is the consumptive ward, and that is contagious, you know.

Q. The consumptive ward? A. Genuine phthisis is contagious and phthisis pulmonalis is not.

Q. You say the doctors do not go in that ward at all? A. No, sir; they merely stand in the hall in front of the ward and say, "Well, this bottle is empty; just fill them; there is no need going in and looking at the patients."

Q. Do nurses go in? A. The nurse is Charles Encke; he sleeps in Ward 4, but the ward man sleeps in the ward.

Q. Is he a consumptive? A. No, sir; he has got heart trouble of some kind; but he is a kind of a bum out there; he gets a pass out

every Tuesday — no other man would do any such thing; he generally comes in pretty well lit up on the pass, but that don't stop him any.

Q. How many consumptives are there there? A. I suppose in the ward there are 25 — 12 beds.

Q. Two in a bed? A. No, sir; those that are able, or not able — they have got to sleep on the floor; a man in that hospital don't get a bed until he is actually dying — so that he can't be moved — as long as he can crawl on crutches or his hands and knees or otherwise he won't get a bed; but they can't help it.

Q. Then those patients who are convalescing are bedded on the floor? A. Yes, sir.

Q. And it is a sign of convalescence when a person is bedded on the floor? A. No, sir; not exactly; but there is no room; there is only this number of beds, and the patients are still coming from the transfer ward all the time, carrying them up there; two of them carrying them up in a chair, and of course he has got to have a bed; well, the man that is in the bed that is the best fit to get out he is thrown right out on the floor, and the man is not fit to get up generally; they will holler and talk about it, but they can't help it.

Q. There is a great deal of complaining there? A. Yes, sir.

Q. You heard Dr. Arnold's testimony? A. Yes, sir.

Q. That everybody is growling, and there is growling all the time? A. Yes, sir.

Q. Did you ever know of a case where a patient dies from the result of being changed from the bed to the floor? A. Well, I couldn't say right down to that, but I know it was injurious to change him — that is, knew it in my own ward, but I couldn't help it.

Q. Do you recollect any circumstance about Healey in last April, about the changing of the whiskey and the medicine among the two patients? A. Oh, yes, sir; that was the night he was intoxicated on night duty; that was on Sunday night, and this pneumonia case was ordered by the doctor stimulants during the night, a tablespoonful every two hours, and the next bed to him — he slept in bed 10, and in bed 9 was a rheumatic patient, sent there from the Raymond street jail — and this Healey, the day nurse has to go around with

the night nurse to show him the different patients and call his attention to everything, and then he has got nothing further to do with it; if he sleeps in the ward he goes to bed; he has got to be in bed anyway by 9 o'clock, or a little after — and the day nurse, if he is in the ward, daresn't open his mouth, because the night man would call him down for it; you are supposed to be dead to 5.30 in the morning; you have got nothing to say — but in case of a patient getting delirious during the night, why he calls on this day nurse to get up and help tie him down, and sometimes it takes six or eight of them and all the doctors in the building to get him down stairs.

Q. Well, what occurred? A. He gave this whiskey, and instead of giving it to the pneumonia case in bed 10, he gave it to the rheumatic case in bed 9; he made a kick about it at first — these men are all shaky out there; if they see a change in the color of the medicine — it may be the same medicine — they won't have it, and they say, "It don't belong to me;" he says, "It ain't my medicine;" he says, "I am nurse, I want you to understand; I want you to take this medicine; you have got to take it;" the fellow was all crippled up, and sooner than make a kick he drank it; he poured out this whiskey for him; well, this man continued to feed him on it all night, and he says, "That kind of feeding I can stand and improve under," but the other poor fellow next to him was slowly dropping away for the want of this stimulant.

Q. What effect did it have on the pneumonia man? A. Why, it weakened him down, his temperature ran up; he was under, well, what they call a milk diet; they call it out there sky blue; it is not milk; it is Canfield's condensed milk, unstrained, and watered down; and it is watered down so you can see blue streaks in it.

Q. Who is supposed to do the watering? A. That is done in the kitchen by the county cook of the hospital.

Q. Do you know John Donovan, of Ward 11? A. Yes, sir.

Q. Was he a drinker? A. Yes, sir; they call him "the brute," "the big brute," — and he is.

Q. Why do they call him that? A. Because of his brutal way; he is a great big, thick-headed jigger, as they call him out there — throwing people around and making them think he knows every-

thing; have seen him drunk on night duty; we had a case there named Otto Sherman, a typhoid fever case, and this Donovan — the nurses had a day a week on pass; they get their passes signed from 9 o'clock in the morning until 12 at night once a week; all this time there was no night nurse on this floor; Donovan was out on pass during the day, and had to be in and reported at 8.30; that man was not fit to be on duty; Dr. Arnold's testimony — he didn't know nothing about it; he was dead wrong; and that man was so drunk — he laid in the hall and put his feet on the window-sill, and he had 100 patients under him; he had 10, 11, 12 and 13, and 13 is a double ward, and this man he stayed there for hours, and this Otto Sherman, this typhoid fever case, rapped and rapped with the dipper so hard that he woke all the patients; there are about 50 patients in this ward; there are 20 standing beds there and sometimes I have seen 22 on the floor — 42 in the ward altogether, not counting the nurse; and all the while this boy was rapping and rapping for a drink of water; he couldn't get out of bed to get it; and they commenced hollering and swearing; "You son-of-a-bitch, shut up; shut up there," — why, it was pandemonium, and this day nurse was lying there awake; of course, he had nothing to say; this man finally woke up, and he heard it; the man changed from rapping the tin dipper on the edge of the table, and rapped it on the iron edge of the bed, and it made such a racket that you could hear it way down to Prospect park; he woke up and went in there and says, "What the hell do you want; who's making that noise;" why, the poor fellow says, "Please give me a drink of water;" he says, "You need not make such a hell of a racket about it; you just take your time;" well, he woke him up; every day nurse lately, since the night nurse died, and he died in Ward 13, the man that was the night nurse, and they did not fill the position, and the day nurses had to rotate each one in their turn and do night duty, and men up there all those hours in the day time are working, and if he is not doing it in the ward he is doing it in other ways; the matron will call him to scrub the paint work on her side, and let his own patients go; most of the wards are lousy; in fact, you can pretty near say every one of them, because they are not taken care of since Dr. Arnold has been there;

Dr. Duryea was the assistant under Dr. Arnold, and when he was there things were kept in stricter style; Dr. Duryea would make his rounds twice a day, and he had an eye on him like a hawk.

Q. You know about the closets in the wards, Mr. Williams; you know how they are situated? A. Yes, sir; and they are a scandal; the smell is something fierce, so that if a man is sick from his disease the smell from his place is making him still worse; and then in 2, the ward I was in, or Ward 13, 13, take for instance, to-day there is 35 or 40 men in it; a great many of them are there for what we call cirrhosis hepatitis, or whiskey liver, or dropsical men, and the doctors give them these purgative medicines to get this water down out of them; they are swollen up all over; they have to tap their testicles, tap them all over; sometimes they took four and one-half gallons at a time out of them; these men have got to get to the water-closet; I have seen five at once in there, and all swearing and trying to sit down; I have seen them let go their business right against the wall, and from the bed right across the room to the water-closet.

Q. And in these wards where there are 30 or 40 men, there is only one place and one seat? A. Yes, sir.

Q. With a partition not up to the ceiling? A. There is a light partition around it.

Q. There is no ventilation to the closet other than what comes from the room itself? A. No, sir; in the winter time it is so cold we were froze to death there this winter; there was a great time in the papers about it, and it was all true; have seen the thermometer at 48 at 6 o'clock in the morning, or at 5 o'clock in the morning, and in the halls it was about 15—about that; the night nurses go around with six or seven suits of clothes on—that is, underclothes; and have blankets rolled around themselves, and their own clothes, and stockings pulled up over their boots, trying to keep warm; this night nurse would get into Ward 12 and he would anchor there.

Q. Why anchor in Ward 12? A. Because it was warm in there; he didn't want to stay out in the hall; the other wards had to suffer; he is supposed to make his rounds every hour, but they don't do it; I have laid myself for seven hours when I was perfectly helpless and couldn't move hand or foot; my hands laid that way (the

witness indicating); the bedclothes might be wrinkled a little; I couldn't move my hands for a million dollars if I wanted to, and I have laid for seven straight hours waiting for this night nurse to come in and give me a little bit of a turn, just a quarter of an inch, so as to get off that wrinkle; the men that slept on either side of me, they said, "Mr. Williams, don't hesitate to call me during the night," or this ward man, he slept further on — he says, "Billy, call me," he said; well, then the day nurse, he would have been willing, because of my being a nurse — he would have got up; but I wouldn't call none of these men from their sleep; I wouldn't call them; the men on each side of me had the same disease that I did, only they were worse off than I was, and I waited for seven long hours, waiting for the night nurse to come in there.

Q. What has been the supply of heat there, Mr. Williams? A. There was no heat there all winter.

Q. Last winter? A. Yes, sir; the heaters were cold — stone cold; every night the heat was turned off at 8 o'clock, and it is not put on until 4 o'clock in the morning.

Q. What is the reason of that? A. I suppose that is saving expenses to the county.

Q. What is that? A. I suppose it is to save the county expense; in the day time there was not any heat; in the day time this thermometer one morning was 48, and the patients sat around there in this thin little white suit; if you had got two suits of underclothes when you got into there you were allowed to carry them to the ward, but if you had only got one it was taken from you; A man that is used to heat and has got his own clothes, or wears a jumper, or a cardigan jacket, and then to take and fire him into that bathtub in a kind of a careless way, "You have got to get in, or I will throw you in," and after you had got out to put you in that little white uniform and then chase you to the ward — why, they are covered with goose flesh and cannot stand the change; they are sick at the same time, and a man sick would feel it; I have seen a ward there, a ward myself included, I was feeling good at the time, I was up on my feet around doing little things around the ward, and the patients sat around the heaters — there were two heaters — one

in each ward; they sat around there trying to get the heat, but there was no heat to get; I closed the four fan-lights, two in front and two in the rear, and the doors I even stuffed the keyholes with paper, and I laid blankets along on the floor around the cracks of the doors, and the ward you might say was hermetically sealed; the temperature then rose to 59, and they were jumping with joy at 59 — that is, by keeping this place all closed up in this way; but one door, you had to station a patient there, or I stayed there myself sometimes, you had to hold the blanket around there to keep it there; the floor draft is terrible; it would take a man off his bed most; on one side of the room there was about a dozen pneumonia cases; well, these cases, after we got the ward heated up to that condition, the men commenced to feel a little more comfortable, and they commenced calling for bed-pans, and when five or six wanted a bed-pan we had a terrible smell in there; it threw the priest out of the door; Father Ryan was coming in there on his rounds, and he couldn't come into the ward the stench was so great.

Q. Is Dr. Stratton one of the internes there? A. Yes, sir.

Q. Is he there now? A. Yes, sir.

Q. Did you ever hear what some of the nurses replied to Dr. Stratton when he said something about what medicine should be given to the patients? A. Dr. Stratton, I think, gave his orders for the night and the day nurse was presumed to tell them to the night nurse, and this man would say, "Well, there is so and so"—He says: "To hell with him; I ain't going to give them this medicine; what the hell does he mean to give a man salts for at night; do you think I am coming up here to chase bed pans for him all night," and he didn't give it to him; that was reported to Dr. Stratton in the morning, and this nurse, Fergus, the nurse of the ward, reported to the doctor and the doctor asked me about it; I told him determinedly yes, and I said it was an outrage that this man should be allowed to come in the building and use these patients in this way.

Q. What was done with the nurse? A. Nothing; he says — Dr. Stratton says to me, "Well, I will go and see the nurse; it was the nurse, Pete Burns, of 29; he says I will go and see him; the first time

I get a hold on him I will call him down—but the internes did not have much to say.

Q. Is there any doctor around at night at all? A. No, sir; unless called by the night nurse if a patient is taken worse, and he has got to be extraordinarily bad when they are called.

Q. But aside from that is there any doctor around at night? A. No, sir.

Q. Then at night time the entire hospital is in fact in charge of the nurses? A. Yes, sir.

Q. And if the nurses are drunk or asleep there is nobody in charge? A. There is nobody in charge, which is usually the case.

Q. Do you recollect the fact that Thomas Healy was drunk on July 23d and assaulted a patient? A. Yes, sir.

Q. What are the facts about that, Mr. Williams? A. Well, he had been drinking pretty heavy all day, and this patient and him had some words and the patient done him up; well, it got to the superintendent's ears through some source and the assistant called this nurse and Healy into the office and had an investigation, and if Dr. Duryea had been there, or if Dr. Rhodes had power, he would have discharged the man on the instant, but he did not; Dr. Arnold sent him back to take care of all those patients again in his condition; he gave him a little fatherly talk and sent him back.

Q. Do you know whether nurses there are ready to speak with reference to all the matters that you have testified to, or are they afraid? A. I think, from the evidence that I saw of this nurse, yesterday—he is supposed to know everything going on in that building—his evidence was dead wrong; he is afraid of the superintendent doing him; I am not under the superintendent and I am not afraid.

Q. You think Wetherbee can tell more than he did? A. Yes, sir, a different story.

Q. You think they are afraid of the discipline of the superintendent? A. Yes, sir.

Q. And of being discharged? A. Yes, sir; there was another nurse here yesterday, and he was so pale and shaking all over in the chair for fear he would get it in the neck when he got back.

Q. Did you ever hear of Healy being taken to the insane ward?

A. Yes, sir.

Q. Did you know when that was? A. That was, I think, in April.

Q. When? A. April; no—why, he was there several times.

Q. What was the cause of his being sent there? A. Drunkenness.

Q. Was he violent? A. Yes, sir; he had to be taken down there by the other nurses; the last time he was in the insane ward—it was on a Sunday night, too; he was supposed to be on duty—that is, to take his night place; he was intoxicated and he couldn't, and he made arrangements with the nurse of 6, offering to pay him \$2 if he took his place, so that he could claim sick and stay in, so that Dr. Rhodes wouldn't get on to him; then the nurse of 11 interfered and he offered to stay there for \$1 and he cut the other fellow out; that caused a feeling between them, and he was boycotted right away; this nurse—Donovan—then backed out of it when he found that Healy was liable to be caught, and Healy was caught and brought down there in the insane ward and kept there three or four days; then he was brought up and given a fatherly talk in the office and put back on duty.

Q. The fatherly talk was given by Dr. Arnold? A. Yes, sir; he is supposed to be a father out there.

Q. Does Dr. Arnold visit the hospital much? A. No, sir; he don't go through there more than once in six months personally, unless he has got an occasion to go there—an occasion of a grand jury coming there—to point out the beautiful paint on the ceilings and all such things as that; otherwise he don't come there; Doctor Rhodes don't come there, either.

Q. Dr. Rhodes don't? A. Dr. Rhodes don't come there; he is the one supposed to go through there; Dr. Rhodes is supposed to go there twice a day, but he don't come there; every Sunday night the cards of

the outgoing patients are taken off and these people are thrown out on the street when they are not able to go ; the cards are taken down and they are shoved out on the street.

Q. Why ? A. To make room for the others ; the doctor in his opinion thinks that they are well enough ; I have seen men fall on the street, those that have been discharged—patients, and the doctors themselves have hitched up his own wagon and picked them up and brought them back again—and other patients too ; they do this to keep the census down ; and other patients are kept in there, and the poor man that goes there crippled up and lame is thrown out in that condition, and these other patients, these regulars, stay there and are kept in there right along.

Q. Why are they kept in ? A. Because they have got a pull of some kind.

Q. What has been the character of the supplies there, Mr. Williams ?

A. They are poor

Q. Are they poor now ? A. There is not enough ; the patients there to-day are all complaining ; in fact I have got a patient under my charge now that I took from the hospital, and he is under the charge of Dr. Ketchum, and this patient left there because he was starving to death ; he is suffering from bronchial catarrh ; they put him in a bed and then transported him to the floor ; he is one of the cases where it made him worse.

Q. Is the quality different now from what it was three or four years ago ? A. Yes, sir ; it is better.

Q. Do you know anything about this practice of giving extra or special meals to some patients ? A. Yes, sir ; that is one of the biggest fakes in the building.

Q. Why is that so ? A. A convalescent case is supposed to be put on the extra list—he is put on it—the interne does this, and he is supposed to get one, two or three meals, whatever it is, breakfast, dinner and supper—if he is put on the full list he gets breakfast, dinner and

supper—but there is none of them that touch it; they send a chunk of fat corned beef and a rotten potato to put in a sick man's stomach—they throw it back into the swill pail and won't eat it.

Q. Is not the extra meal supposed to be more nourishing than the others? A. Yes, sir.

Q. What is the cause of the extra meal being worse than the ordinary meal? A. Well, that is all done in the kitchen, I suppose—a patient is allowed, if he is on the full diet list—he is allowed four eggs a week, two Monday and two Friday—that is according to the market whether he gets them or not; I have seen them run for months and not get one; they are allowed four crackers a week apiece—two soda biscuits—two Monday and two Friday; that is all they are allowed; that includes the extra list.

Q. Is the food for the nurses and attendants any different to what the food is for the patients? A. Oh, yes, sir; they live at a different table altogether.

Q. And they get better food? A. Yes, sir.

Q. So that a nurse is in all respects in a better position than the patient in that regard? A. Why, the nurses that are there never lived so high-toned, and still, with a few that is there, they think it is not good enough—they are not used to side dishes and all this—some of them drop a piece of pig iron on the dock, and come up there and put on a standing collar and put on a white coat, and then they are nurses right away; those are the men that take care of the sick patients; and after a day or two, after the doctor is gone, they will pull the stoppers out of the bottles and taste the different ingredients, and they know about as much about it as the bottle knows about them—but they have got the full swing there.

Q. Have you noticed mechanics feeding out there? A. Yes, sir; there is a mechanics' table in the hospital.

Q. At the mechanics' table? A. Yes, sir.

Q. How many mechanics have you seen there at a time, Mr. Williams?

A. I have seen the engineer and the fireman of the hospital eat at the steward's table.

Q. I am speaking of mechanics, such as painters and tinsmiths?

A. At the time they were painting the building the painters ate there.

Q. How many of them? A. Well, I can't say exactly the number; I know one or two of them was there.

Q. One or two? A. Yes, sir.

Q. Was it one or two or a dozen? A. Maybe four or five.

Q. Was it one or two or a dozen? A. It may have been four or five—I can't say positive.

Q. Tinsmiths, also? A. No, sir; they did not eat there; they ate at the almshouse at this time; at this time the mechanics ate in all the buildings, now they are in the almshouse.

Q. When was this that you are speaking of? A. This was in 1892.

Q. Do you recollect how long it took to paint that hospital? A. I guess it took about a year.

Q. About a year? A. Yes, sir; they didn't paint very rapid on it.

Q. What is that? A. They didn't kill themselves.

Q. There is nobody particularly kills themselves in the hospital, is there? A. No, sir.

Q. Not even the patients? A. Not even the patients—they are getting killed.

Q. Is there any change of clothing for anybody there, Mr. Williams?

A. Do you mean the patients?

Q. Yes, sir? A. The patient that is transferred from this ward, his clothes are taken from him.

Q. And fumigated? A. No, sir.

Q. They are not fumigated? A. No, sir; they have no such thing as a fumigating plant there; the majority of the cases that go there are covered with vermin and covered with lice; this Whether-bee, this head nurse, who is supposed to be the head of the nurses, he examines the clothes while the man is in the bathtub, and

he don't look whether the patient takes the bath or not ; some of them dread water and won't get into the bath ; if he was attending strictly to duty he would see that the man was put in a carbolated bath to see that the vermin is got out of him ; but he slips them by ; he is not as bad as some of the rest of them, and his day out is Saturday and when he goes out another nurse is called down to take charge of the ward.

Q. Where are the clothes put that are taken from the patient who is just received? A. What they call the clean clothes are put in the store room in the hospital proper.

Q. They are not fumigated or cleaned? A. No, sir.

Q. And when the man goes out they are given to him? A. Yes, sir ; only they are worse than they were when he gave them up ; they are blue moulded and creased up and in pretty bad condition—a man is ashamed to get on the street with them ; the filthy and lousey clothes are marked on this card “Lousey,” and they are sent over to what is called the lousehouse in the female yard and they are tossed in there ; a man might happen to get lousey by sitting by somebody else, and when he is to get out in a week or so he is walking alive with them ; there is no such thing as fumigation.

Q. Is there any distinctive mark of a patient with vermin? A. Yes, sir ; every patient's card is sent up to the ward he is in, giving his age and residences, and all that, and where his friends are on the back of the card in case anything should happen to him, and then he has a letter L in red ink stamped by the transfer ; one letter L means it is not so bad, but a LL means a terrible state ; sometimes they have to burn them and they will throw them right out of the window sometimes ; I have seen patients come from that transfer ward, carried upstairs and put into ward 13 that were so filthy with the vermin that they were walking up the doctor's sleeve while the doctor was examining him, and that man was supposed to be perfectly clean before he was sent into a clean ward.

Q. Do you know of the fact that they have to cut the hair close

where the hair is matted? A. Yes, sir, hair and whiskers; the doctors order that themselves; if a man don't take care of himself there nobody else will take care of him; I have gone lousey myself there, that is when I was in bed, and I tried to keep myself clean.

Q. Are there any tailors there to the hospital? A. There is one tailor drawing pay, and he has under him these unemployed patients — these people living there — that is, tailors.

Q. Of course these tailors make clothes for the patients? A. Yes, sir.

Q. What kind of clothes do they make for them? A. They make this white suit; it is a kind of — I don't know exactly — a duck; I don't know; it is a very good suit when it is first made; it is good enough in the summer, but in the winter time it is not sufficient.

Q. They wear the same thing? A. They wear the same thing.

Q. Aren't there any additional clothes in the winter? A. No, sir.

Q. Are you furnished any underclothing in the winter? A. No, sir; the paupers are furnished underclothes, and they go around well dressed.

Q. What is that? A. The paupers go around well dressed, but if they ever come over to the hospital their clothes are taken off; you get one thin cotton shirt and a white suit and a pair of stockings and a pair of slippers.

Q. And that is all there is winter or summer? A. Yes, sir.

Q. Whether the thermometer is 50 or 90? A. It is just the same; there is no difference.

Q. Well, do these tailors keep busy making these suits, or do they also do other things? A. No, sir — they are kept busy making suits for the doctors.

Q. What kind of suits? A. Dr. Arnold has got a giddy uniform for them out there; there is a square top coat of pilot cloth, a gold cross on the collar and a maltese cross on the arm, and the pants are braided down the side; of course while the tailor is doing that the

patients are walking around naked; the patients try to find somebody in the ward to do this work for them — that can handle a needle; they also make white coats for the doctors.

Q. For the summer? A. Summer and winter.

Q. White coats? A. White duck coats.

Q. What do the internes do when they do not go through the wards? A. They stay up in their rooms and play cards and smoke, or get a pass and go out.

Q. Do they ever play lawn tennis? A. Yes, sir; on the outside.

Q. And croquet? A. I haven't seen them play croquet; I have seen them play tennis.

Q. Have you ever known nurses to run around for doctors when they were outside? A. Yes, sir, often; the doorkeeper does that; the nurse goes down and calls for the doctor, and he goes to the drug room and he is not there, and then he goes to his own room, and if he is not there and it is a case where a man is dying, they will go and find him playing lawn tennis; if he feels like coming in he does, and if not, he won't; he will say, "Just wait a minute, I will be right in; it is all right."

Q. Is it frequently the case that patients who are not well enough and are not sufficiently recovered and are lying on beds are placed on the floor? A. Yes, sir.

Q. How frequently have you seen that done? A. Every night; it is a toss up every day whether a man is going to lose his bed; they gamble among themselves on it; these cases are continually coming up in the chairs — these chair patients, and every man that is in a bed he expects to be the next one that is turned out; there are accommodations altogether for about 250, and I have seen 800 in that hospital.

Q. What is the accommodation? A. About 250.

Q. Dr. Arnold says about 400? A. Well, Dr. Arnold says a good many things.

Q. How many wards are there? A. Thirty-two.

Q. And how many beds in a ward? A. There are in some wards 10 and some 12, and then the big double wards.

Q. If there are 32 wards and 10 beds in a ward that would be 320 beds? A. Yes, sir; that would be 320; these extra beds have been put up since this scandal was made last winter, but properly there should not be this number of beds.

Q. You mean there is only room for 250 patients, in addition to the nurses and attendants? A. They claim that the hospital should contain about 250; that is what the superintendent claimed; superintendent Duryea claimed that, and I think he knows as much about it as Dr. Arnold.

Q. And the balance of the room was used for nurses, doctors, attendants and other employes? A. Yes, sir; the attendants sleep in the ward; in fact, they all slept in the wards until only within a year or a year and a half; when they crowded the nurses—the day nurses—then they commenced to crowd them in ward 4; that is a double ward, too; in one-half of it all the nurses slept together, and the beds are so close together that you can't crawl in hardly; there is 13 or 16 or 18 nurses sleeping in that room; they have got a tent on the outside for the accommodation of the night nurses because there is no place for them to sleep from the noise and heat in the day time.

Q. Do you know Peter Burns? A. Yes, sir.

Q. Ward 29? A. Yes, sir.

Q. Is he a drinking man? A. Yes, sir.

Q. Is he a brutal man? A. And a brutal man.

Q. Do you know of any facts with reference to his brutality? A. Well, he is in trouble with patients in his own ward all the time, and has scraps with them and one thing and another, and gets done up.

Q. You will have to describe that, Mr. Williams—what do you mean by a scrap? A. There is a patient there named Henry; they call him Henry; he has been there about 12 or 13 years; both of them got into a fight and he went at Henry, but Henry was too strong for him and

they were called up to the front and Dr. Arnold sent for them, and he sent Burns back to the ward, and he transferred Henry to another ward so as to get away from him ; this Henry is an epileptic, and he is a good, easy man to get along with if you don't cross him.

Q. You say Henry did him up ? A. Yes, sir.

Q. Did Burns have any scraps, as you call it, with any other patients ? A. I can't call you the names, but it is a common thing out there ; one night this Burns was on night duty in 13, and this was last winter—in March, I think it was ; but the ward it was so cold that the thermometer stood there—that was the time the thermometer was running this 48 degrees—and it was so cold the ward was perfectly sealed up, all the air enclosed in it, and 42 patients there ; well, six of the patients have chairs, the three night chairs that was placed in between the six beds—three night chairs—and these men got up and used those chairs ; this man was on night duty—and the three chairs were reeking, the smell was something fierce ; I called him and said, “ Pete, them people over there used them chairs and the smell here is something wrong ; ” he looked at me and he says, “ Well, I guess I know my business,” he says, “ I guess you smell a fart and not the chairs ; ” I says, “ there is something wrong here ; ” they called him the second assistant superintendent out there, the way he swings around ; well, he comes back and I says “ Peter, them chairs are full ; ” “ well, now,” he says, “ to show you that they ain't,” he says, “ I will show you,” and he walked over there and there the three chairs were not full but they were running over into the body of the chair, and it made him feel pretty cheap that he had to empty them ; the nurse of No. 13 knew this fact ; he was awake.

Q. Who were the doorkeepers ? A. The day doorkeeper is Charles Thompson and the night doorkeeper is John Thompson.

Q. And the morgue keeper ? A. He is Johny Pearl.

Q. Are there any deaths out there in the hospital at all ? A. Well, they average about 500 a year.

Q. Who does the undertaking business? A. Well, the death card or death letter is sent to the address the patient gives on the back of this card and the people hire their own undertaker, but there is a great many people die there that their friends don't know anything about it, but they find it out at last of the death and they come out to Pearl and say, "Now, you get me an undertaker and we will bury the remains right from here;" well, Pearl gets the undertaker.

Q. Where does he get him? A. Well, he gets McCanna & Sons now.

Q. The chief engineer's firm? A. Yes, sir; McCanna & Sons.

Q. Do you know whether Pearl acts under instructions when he gets McCanna or does it voluntarily? A. I think he acts under instructions.

Q. From whom? A. From Dr. Arnold; I don't think he does it voluntarily.

Q. Had Pearl an undertaker of his own? A. Yes, sir; there is another undertaker there in Flatbush.

Q. What is his name? A. Mendenhall.

Q. Mendenhall? A. Yes, sir; Mendenhall.

Q. Do you recollect any fact with reference to Pearl sending the order first to McCanna and then going himself to Mendenhall? A. I know Pearl has done this: The party was sent according to instructions to McCanna & Sons; they go away and he telephones to Mendenhall and Mendenhall would meet the party on the way and say: "You are the party looking for the undertaker," and he would get the call; if he was not acting under instructions he wouldn't have to do that.

Q. Did you know Leonard Tracey? A. I have seen him.

Q. Have you seen him around the hospital? A. Yes, sir; he was a painter.

Q. Did you ever see him paint anything? A. No, sir.

Q. How did you know he was a painter? A. That was what he

was drawing pay for out there ; he wore a white painter's suit ; that was the way I have seen him.

Q. You saw him around pay day there ? A. Yes, sir.

Q. Did you ever see him between pay days ? A. I guess he didn't show up between them days, very seldom I have seen him around there.

Q. Do you know these two typhoid fever patients, Sherman and McKnight ? A. Yes, sir.

Q. Do you know where their typhoid fever developed ? A. Yes, sir.

Q. Where ? A. This Sherman typhoid case in Ward 2 ; he was admitted there May 10th, and he developed this fever on July 8th or 9th, I think ; and this man McKnight—McKnight was admitted—

Q. On June 15th ? A. June 15th, I think, and then transferred to 13 from Ward 7 with typhoid fever.

Q. Well, now, do you know whether there was any typhoid fever in that ward before they came in there ? A. No, sir ; one of them is a surgical ward, and this boy Sherman he went in there with epilepsy.

Q. With epilepsy ? A. Yes, sir ; and he developed the disease there.

Q. Was there any typhoid there in the fever ward before these two cases developed ? A. No, sir.

Q. Do you know whether this young Sherman walked around the ward of the hospital in his night clothes looking for a nurse while he was suffering from the fever ? A. I seen him walking around stark naked looking for a nurse—and the nurse on the outside asleep.

Q. While he was raging with fever ? A. Yes, sir ; there was strict orders to give him bed pans ; I myself had to work on this patient ; the doctor called me, and I had to bathe him with ice and give him his baths ; his temperature was up to 105 ; we reduced his temperature ; of course that night when we went to bed he was in the night nurse's care, and he would get up perfectly naked and go all through the

ward staggering and falling, and Robert Manley, his ward man, picked him up and put him back into bed again.

Q. The ward man is one of the convalescent patients ; he is not the nurse ? A. No, sir ; he is kept there by helping the nurse.

Q. Do you know what Sherman's condition was — whether it was better or worse when you left there ? A. The chances were that he would not pull through when I left there, because the nourishment is not there for him.

Q. Was there anything said there how these patients, Sherman and McKnight, got this fever ; how they contracted it ? A. No, sir ; there was nothing said about it, but they all knew it was contracted in those two wards ; this seven is an adjunct of Ward 8, the venereal ward, and he went in there with ulcer cruris, a sore leg ; there is a good deal of filth in that ward, and that is what brought on this disease ; in the surgical ward downstairs it is the same thing.

Q. A great deal of this can be avoided with care on the part of the nurses ? A. Yes, sir ; it can all be avoided ; there is not any need of it.

Q. And greater superintendence by the superintendent ? A. Yes, sir.

Q. This nurse Hugh Dougherty, do you recollect him being drunk ? A. Yes, sir.

Q. Do you recollect that the assistant superintendent ordered him to bed ? A. Yes, sir.

Q. Did that happen frequently ? A. Yes, sir.

Q. Do you know when he was discharged ? A. He was discharged on March 8th, I think it was.

Q. For misconduct ? A. Yes, sir.

Q. And he was afterwards reinstated again ? A. He was afterwards reinstated ; there was two or three made a play for the vacancy ; it was the only one going, and he was re-instated again and and he reported the first of the month for duty intoxicated, so drunk that they put him in ward four, under charge of Wetherbee and fired

him out of the building in the morning ; but if he had been all right his position was all right.

Q. Did these painters while they were there working on the building have helpers from the almshouse or hospital? A. Oh, yes ; each one has a helper.

Q. Well, did they have a helper? A. Yes, sir ; I saw a helper with them.

Q. You saw them? A. Yes, sir.

Q. Can you describe how they did this work that they were a year at? A. I saw them painting ; they were not exerting themselves much ; they would get up on a ladder and work away and paint three or four bricks, and then let the brush down with a string and then paint a few more bricks, and then sit down and rest themselves and have a little smoke.

Q. If any persons would come along looking at them would they paint ahead a little more? A. That is the time they would paint ; Dr. Arnold came along there one day and the painter was up on the ladder, and the drops from the brush fell upon the flagging ; he came along and he looked up and he says, " Well, I thought," he says " that you people was painting the house, but " he says " it seems to me that you are painting this place down here, too ; there isn't any necessity of this."

Q. Who said this? A. Dr. Arnold.

Q. Do you mean that they would stand on the ladder and paint, and have the paint pot down on the sidewalk? A. Yes, sir ; down underneath.

Q. And in order to get a brush full of paint they would lower it down with a string? A. Yes, sir ; lower it down with a string.

Q. This painting that you say took a year was all on the outside? A. Yes, sir.

Q. And none of it on the outside? A. No, sir ; the patients do the inside.

Q. Do you recollect any particular carpenter work that was done on the hospital during the time you have been there? A. Yes, sir; they have been repairing floors and stairs and putting little partitions in here and there, and putting in windows, and they built an elevator, and they built a new front on the front stoop going to the doctor's office; they fixed that up.

Q. This elevator—is this a good elevator that was put in there? A. Well, yes, sir; it is a pretty good elevator; it does all the work of the building.

Q. What is that? A. First when it was put up it was put up kind of fancy and was used for visitors, and now it is changed and is used as a freight elevator, and all the food is brought from the kitchen to the different floors in that way; there is a boy running it and two patients on the elevator, and they carry it to the male or female side and blow a whistle and the patients come for the food.

Q. It carries the patients up, too? A. Yes, sir; it carries the sick and it carries the dead.

Q. Do you know who constructed this elevator? A. Well, I see the carpenter building it there.

Q. Did the patients help? A. The paupers helped, not the patients.

Q. The paupers from the almshouse? A. The paupers put it up; they hoisted it up when it was ready and everything; the carpenters fixed it and put it together, and they had about 100 or 150 paupers on the rope and walked the frame work up.

Q. The department mechanics were there, too? A. Mike Murphy done the work.

Q. The carpenter? A. The hospital carpenter.

Q. Did he have anybody else with him? A. Yes, sir.

Q. Any other mechanics? A. Yes, sir.

Q. Well, what kind of an elevator is it—do you know the name of it—Philip Doup & Co.? A. I think Philip Doup & Co. put in the machinery part of it, but the rest was all built there.

Q. The machinery was sent there and put up by the people in charge? A. Yes, sir; the machinery was sent there and put up by the people in charge.

Mr. Hirsh.—That is all, Mr. Williams.

Thomas Walsh, having been recalled for further examination, testified as follows :

Examined by Mr. Kemble :

Q. Mr. Walsh, you left the stand yesterday for the purpose of getting some prices from your list? A. Yes, sir.

Q. Have you them with you, now? A. Yes, sir.

Q. We were speaking of Amoskeag flannel AA—what was that worth in 1891? A. In 1891, I think, it was $12\frac{1}{2}$, 10 and 5 off— $10\frac{3}{4}$ cents net.

Q. Ten and three-fourth cents a yard? A. Yes, sir.

Q. And in 1892? A. It dropped down to 10 cents.

Q. Leaving it net what? A. Making it a little below $10\frac{3}{4}$ — $12\frac{1}{2}$ in '91; 12 in '92.

Q. Give us the net price? A. About $10\frac{5}{8}$ or $10\frac{3}{4}$.

Q. And in 1893? A. The same thing—10 and 5 again—that is the AA flannel.

Q. In the year 1891 it appears by the schedule that the department bought 20,424 yards, and they paid 15 cents a yard; they took 8,000 yards more than they advertised for; would you consider that a very reasonable price? A. Very—a splendid price.

Q. As a matter of fact, at that time you could go out in the market and buy it for how much? A. You could go out and buy it for retail at less than that.

Q. For what? A. About the price that I told you — $10\frac{3}{4}$; that was the agent's price; I got it this morning.

Q. Give us the net prices? A. About $10\frac{3}{4}$.

Q. So they overcharged on 20,400 yards, nearly five cents a yard? A. Well, on the cost—yes, sir.

Q. Well, what did you say the price was in 1892? A. Twelve cents—10 and 5 off; there is an extra 2 off, we get also; we got 2 also.

Q. I find that in 1892 they advertised for 16,000 yards of that flannel, they bought 24,287 yards, and they paid 15 cents a yard, so that they paid that year one-third more on that 20,000 yards more than it could be bought for in the open market? A. Yes, sir—that is so.

Q. That is so, is it not? A. Yes, sir; that is it—that is the cost price, of course.

Q. When you are giving these prices you are naming the prices at which they could have been furnished the department at that time?

A. Well, of course, they would have to put a little profit on it.

Q. What is considered a fair profit? A. Well, five per cent.

Q. That would make a difference per yard of a fraction of a cent? A. Yes, sir—a fraction of a cent; five per cent. is a fair profit on these goods always.

Q. Now, what was the price of blue denim—A A denims—in 1891?

A. In 1891 it was 9 cents.

Q. Now, are they a staple article—do they keep their price pretty well? A. They are as staple as a gold dollar all the time from one year to another—9 cents was the price and there was a discount of 2 off, I think.

Q. Making it a trifle less than 9 cents? A. Yes, sir—2 off for cash, ten days.

Q. I find in 1891 they advertised for 8,000 yards of that very thing, they received 12,215 yards and they paid 14 cents a yard? A. A magnificent price.

Q. So there again they paid more than one-third more? A. Yes, sir.

Q. Than the actual value of those goods? A. That is sure.

Q. The difference between 9 cents a yard and 14 cents a yard for 12,000 odd yards? A. It was a handsome profit, I tell you.

Q. What was the price in 1892? A. They dropped to $8\frac{1}{2}$ cents—dropped half a cent.

Q. They were $8\frac{1}{2}$ cents? A. Yes, sir—they were $8\frac{1}{2}$ cents.

Q. Now give me in 1893? A. They dropped one-fourth of a cent, to $8\frac{1}{4}$.

Q. I find in 1893 they advertised for 12,000 yards and they paid 14 cents a yard, the same price as before? A. That is a good price.

Q. What is the value of blue denims to-day? A. They dropped again another quarter of a cent—you can buy them to-day for 8 cents.

Q. I understood you to say that the general tendency in dry goods is reduction in prices and has been for some years? A. Yes, sir; right along up to 30 days ago; they are a little stiff now on account of the short crop, I think, but I think they will go back again.

Q. Do you know the value of indigo blue? A. Thirty-inch American?

Q. Yes, sir. A. It can be bought a little less than $7\frac{1}{2}$ cents now, I think; I paid a little less, I think—about $7\frac{3}{8}$, I think the market is to-day, now.

Q. What was the value of it 1892 and 1893? A. In 1893, I should say it was about a cent higher.

Q. Making it what? A. About $8\frac{1}{2}$ cents, along there somewheres.

Q. About $8\frac{1}{2}$? A. As near as I can remember.

Q. In the schedule of 1892 and 1893, they advertised for 2,000 yards of that print and they pay $12\frac{1}{2}$ cents a yard, but they took 15,121 yards instead of 2,000 yards and paid more than one-third of its market value; can you imagine that being done in any decent line of contracting? A. It can not be done only under the balance bidding; no dry goods man in the country can do it if it was to include items one under another.

Q. And the only way that you can explain that difference is by putting in such an item as blue indigo at $2\frac{1}{2}$ cents a yard and then calling for none. A. That is how it was done, as far as my judgment goes.

Q. Do you know of any way that that could be done without some understanding with the parties in the charities department? A. That is the only way it could be done, by some knowledge of that fact.

Q. Is it not a fact that that is the only way? A. Yes, sir; that is the only way I can see; any man will lose money bidding those prices.

Q. Would it be possible for any respectable business concern, not having any corrupt understanding with the department, to make any bids for these supplies? A. Well, they won't be successful.

Q. I mean successfully? A. No, sir.

Q. Would it be possible for them to be successful? A. No, sir; not to bid intelligently and honestly on the articles called for there.

Q. And doesn't it, to your mind, manifest an intention on the part of the department to shut out all respectable competition when they put in their schedules a call for blankets for three years in succession and receive bids for blankets at 75 cents a pair, which are concededly worth from \$2.50 to \$2.75 and then call for none; don't you think that that indicates an understanding between the bidder and the department? A. It looks so to me.

Q. That he might so bid and that he might bid higher prices for other articles that would be called for? A. That is it; there would be no use to put a bid in under those circumstances; for you have no chance at all; it is a loss of time—on those articles at those figures.

Q. Now, do you know the value of Kentucky jeans? A. Kentucky jeans?

Q. Yes, sir. A. Yes, sir; I have them.

Q. What has been the variance in the price of that article for the last two or three years; give us the highest and the lowest figures you know? A. In 1890, it was 36 cents; in 1891, it was 32½ cents; now it is down to 24½ cents, the present market.

Q. When do you say they were 32? A. It was 36 in 1890.

Q. You say it was 32 cents once? A. Yes, sir; in 1891.

Q. In 1891? A. Yes, sir.

Q. And they have fallen from that to what? A. Down to $24\frac{1}{2}$; they can be bought for that now; I bought some yesterday.

Q. Have you any idea what they were worth in 1892 and 1893?

A. They were worth in 1893—I think it was down to about 30; in 1894, it was down to $27\frac{1}{2}$ cents or 28 cents.

Q. Now, I find that they advertised for 7,000 yards of Kentucky Jeans, and the price they paid was 35 cents a yard; you say they could not have been higher than 30 cents a yard then? A. In 1893.

Q. In 1893? A. I should say about that; they were 32 in 1891 I know.

Q. They took 7,975 yards; was there much of a fall in the price of Kentucky jeans between 1893 and 1894? A. In 1894, they dropped down to 28 cents—that is last year.

Q. From about 30 cents? A. I furnished them for 28 last year.

Q. You furnished them last year for 28 cents? A. About 28.

Q. You think there was about 2 cents difference between that year and the year previous? A. That is right.

Q. So that on nearly 8,000 yards they paid about 5 cents a yard more than the market price? A. Yes, sir.

Q. I find that in the following year, 1893 and 1894, that they called for 7,000 yards, and they again bid 35 cents? A. Yes, sir; in 1894?

Q. Yes, sir. A. Well, I furnished them in 1894 myself for 28 cents; I furnished them for 28 cents, about—that is not the exact figures—that is, the last six months of 1894.

Q. They furnished them the first six months? A. Yes, sir; I furnished the last six months; I don't think the price was very different during the year.

Q. What was the value of kerseys, Dickey & Son's kerseys, in 1892 and 1893? A. Well, I didn't get that; I don't know the price of that article; I don't handle it much; I furnished it to them last year for about 35 cents; now what the price was before I don't know.

Q. Do you know whether that is a pretty staple article? A. Yes, sir; it is a staple article; it is a staple brand; it is known all over the country.

Q. And the price does not vary very much from one year to another? A. Yes, sir — it don't change much.

Q. And you furnished it for 35? A. About that.

Q. I find that they advertised for those kerseys in 1892 and 1893 for 3,000 yards; they bought over 3,000 yards and paid 46 cents a yard; can you understand that to be a reasonable price at all? A. It is like the rest of it.

Q. Don't you consider it an exorbitant price? A. Yes, sir; it is a good price — 46 cents.

Q. Then, again, on the very next line, in 1892 and 1893, we have kerseys, white, as per sample, and they call for 2,500 yards? A. Yes, sir.

Q. You mark that the preceding line called for kerseys, and the bid is 46 cents a yard and that they furnished it, but when they called for the next item, white kerseys, 2,500 yards, and bid $2\frac{1}{2}$ cents a yard — a difference from 46 to $2\frac{1}{2}$ cents a yard — but they furnished none of the $2\frac{1}{2}$ -cent kind; now do you know any kerseys in the market or did you ever know of any that could be furnished at $2\frac{1}{2}$? A. No, sir; nothing like it; I furnished kersey last year and they paid 46.

Q. What was the lowest price that you know of in the market? A. I have never known it below 40; 40 cents is the lowest — this article that you describe here at $2\frac{1}{2}$, white kerseys, used by the paupers for pants.

Q. So that the various kinds of that article that you know of would be worth 40 cents a yard? A. It is a wool and cotton kersey; there is only one kind.

Q. And you can not be mistaken in the price? A. No, sir.

Q. And 40 is the lowest per yard? A. Yes, sir; that is the lowest per yard, and I bought it right from the manufacturers.

Q. Then this $2\frac{1}{2}$ cent bidding was intended to even up for the exorbitant price charged on the previous line? A. That is the way it looks to me.

Q. That would be possible, would it? A. That is the way it appears there; they didn't call for it.

Q. They wanted 2,500 yards of it, and didn't take a yard? A. There is no kersey that I know of below the price that I told you.

Q. What was the price of 60-inch damask linen in say 1892 and 1893? A. There is so many different qualities of that — the quality they use out there I know is worth 25 or 30 cents; I don't know what they used at that time, but this last year it is a quality of about 25 or 30 cents in price.

Q. You assume, do you not, that when they buy it by sample they take a sample of the last year's goods? A. Yes, sir; that is the way they go; I was guided by that.

Q. That was your experience when you bid formerly? A. Yes, sir; and at the present time too.

Q. I find that it is here for this damask linen 400 yards, and you say the price was how much? A. About 28 cents, or 30 cents — $27\frac{1}{2}$ cents maybe.

Q. They paid 65 cents a yard? A. It may be a bleached damask; that is, the price of a bleached damask is 65 cents, but what I furnished is about 28 or 30; it don't say whether it is loom dice or wash damask?

Q. You see the difficulty is that they say "as per sample;" I ask you whether you are familiar with the character of that sample? A. What they had there was half wash loom dice.

Q. I am talking in respect to the character of the damask and as to those goods that you say the prices ought to have been about 25 or 30 cents? A. From 25 to 30.

Q. So that 65 cents was double its value? A. It is an exorbitant price, if it is a loom dice.

Q. How about Utica muslin; they advertise for some pillow cases, muslin, 5-4 Utica muslin? A. What is that; Utica C?

Q. They don't say so; the entry is muslin, pillow case, 5-4. A. I don't know anything about that; I will have to pass that; I didn't bid on it and I don't know anything about it—you mean the 4-4, Utica nonpereil?

Q. No; it is marked muslin, pillow case, 5-4? A. It ain't on this schedule at all.

Q. It appears it is being furnished now at a trifle over 9 cents; they paid $13\frac{1}{4}$ and 14 cents; you say you don't know anything about that? A. No, sir; I do not.

Q. What do you know about Fruit of the Loom muslin? A. Fruit of the Loom?

Q. Four-four—how do the prices run? A. In 1891, $8\frac{1}{2}$ cents; in 1892, $8\frac{3}{4}$ —5 and 2 off; it is cheaper now than it was then.

Q. What do you say it was in 1891? A. Eight and one-half cents.

Q. Well, in 1891 they advertise for 2,500 yards and they pay 10 cents a yard for it and they actually took 7,722 yards; that was an extravagant price? A. An extravagant price and a handsome big profit—an extravagant price.

Q. Now, what was muslin for bandages, Utica C; what was that worth a yard? A. Utica C? About $3\frac{1}{2}$ cents a yard is what it is worth to-day.

Q. Has the price varied very much? A. It has not this last year and a half.

Q. What was the difference about? A. No difference; it is about the same price to-day as it was a year ago.

Q. No; run back for three years say and give the highest and lowest price that you know of within three years? A. I think $4\frac{3}{4}$ would be what it was worth two years ago.

Q. About $4\frac{1}{2}$ or $4\frac{3}{4}$? A. Yes, sir.

Q. That is the highest price? A. Yes, sir; I shouldn't think it would be higher.

Q. And the lowest price was what? A. About $3\frac{1}{2}$ or $3\frac{3}{8}$.

Q. They advertised for 4,500 yards and paid 6 cents a yard? A. Good pay.

Q. And took 6,301 yards? A. Yes, sir.

Q. That was a very big price? A. Yes, sir.

Q. Are you somewhat familiar with the needs of this establishment—what they usually use? A. Yes, sir; that is used for bandaging up wounds exclusively; that was what it was made for.

Q. Can you imagine what they would do with 6,300 yards of it in any one year? A. It was used for bandaging; it was no use at all except for that purpose; it is no use to anybody for anything else.

Q. I say, have you a general idea of the needs of this department, from having a contract with them? A. My experience has been that they generally call for about what they advertise for.

Q. Do you have any idea from your knowledge of their wants and of their usual demands that they could have required anything like 6,300 yards in any one year? A. I could not very well tell about that question or answer that question; they did not call for so much of that when I had the contract.

Q. Have you any idea how much they called for when you had it? A. About the amount they advertised for and no more.

Q. So that that was not only excessive in respect to price but quantity? A. Yes, sir.

By Mr. Schulz:

Q. How wide was this? A. About the ordinary width—a yard wide.

Q. A yard wide? A. Yes, sir.

By Mr. Kemble:

Q. Do you know what the price of Amoskeag gingham is? A. It is worth about 4 1-2 cents.

Q. Has that varied in price very much? A. They stay around there, 4 1-2 to 5 cents, more or less all the time.

Q. So that 6 cents would be quite a large price for that? A. Yes, sir; a good big price for that—a good big price for it.

Q. I find that they called for a large quantity of that and that they paid 6 cents for it in 1893 and 1894? A. Yes, sir.

Q. Now, what is your recollection of the price at that time? A. In 1894, it was 4½ cents; it is 6 now—around there; very little difference.

Q. Now, I think I asked you the price of seersucker? A. Yes, sir.

Q. Just give us the range of prices if you can? A. Seersucker is 7½ about, to-day, the price of it.

Q. Seven and seven-eighth cents a yard? A. Yes, sir.

Q. And has that varied very much? A. No, sir; it is just about round there; I have been using it for a year over here.

Q. What is the range of prices; what has been the variance in prices? A. Might have been a cent a yard higher two years ago, not any more than that.

Q. Not any more than that? A. I don't think so.

Q. I find in 1892 and 1893, they advertise in two forms for seersucker; they call for 12,000 yards plain, as per sample, and the bid was 12½ cents; you say it was worth no more than 8 cents? A. The article that I speak of is Bates', the best in the market—this is by sample.

Q. The article you speak of is standard? A. Yes, sir.

Q. You say it is not worth more, and was not worth more than 8 cents? A. No, sir.

Q. I find here they call for seersucker and the price paid was 12½ cents; they took none of that article, but in another part of the schedule for the same year they call for seersucker again, as per sample, 1,000 yards, and there the bid is 2½ cents more; it is 15 cents a yard, and of this they take 4,111 yards; can you understand or

give any explanation of that sort of contracting? A. It is a big, enormous profit on the goods, I should say.

Q. As a matter of fact, when they took 4,400 yards and paid 15 cents a yard for it, they really paid about twice as much as it was worth? A. I should judge so, taking the Bates as a basis, which is the best in the market

Q. Is there any other explanation of it? A. They could have given you a cheaper seersucker, for you see this is by sample.

Q. Yes, sir. A. There are some grades cheaper than the Bates.

By Mr. Keenholts :

Q. They could not have given any better? A. No, sir.

By Mr. Kemble :

Q. You say it is a good standard article? A. Yes, sir.

Q. And you are getting how much for it? A. A little over $7\frac{3}{4}$ cents.

Q. And you say that the price of that for the last several years has not varied more than 1 cent? A. A very little.

Q. The consequence is that they are paying nearly double the actual value? A. That is the way I look at it; yes, sir.

By Mr. Keenholts :

Q. What would you consider a fair price for a legitimate contractor to bid on those articles? A. About 5 per cent.

By Mr. Kemble :

Q. Now, Mr. Walsh, we come to 4-4 Fruit of the Loom muslin; what was that worth around 1892 and 1893? A. Well, in 1891, it was $8\frac{1}{2}$ cents; in 1892 it was $8\frac{3}{4}$ cents, 5 and 2 off; in 1893 it was $8\frac{3}{4}$ cents, 5 and 2.

Q. In 1893 it was $8\frac{3}{4}$? A. Yes, sir.

Q. Give us the net figures if you can? A. It will bring it to $8\frac{1}{4}$ cents, I will say.

Q. In 1893 that was? A Yes, sir.

Q. What was it in 1892, higher or lower? A. Eighteen hundred and ninety-two it was $8\frac{3}{4}$.

Q. With something off? A. Yes, sir; it was one of those muslins that go up and down; sometimes they put it where they like.

Q. The variance is slight? A. From $8\frac{1}{2}$ to $8\frac{3}{4}$.

Q. During all these years, at that price anybody could afford to sell it to the county? A. Yes, sir; that was the market price in those years.

Q. A fair, legitimate price? A. Yes, sir.

Q. I find in 1892 and 1893, they sold 1,552 yards and they charged 10 cents a yard. A. It is a good, big, round price for it.

Q. Whereas, in 1893 and 1894, when the price was lower, they still have 2,500 yards at 10 cents a yard again; that was a still bigger price because the actual market value had dropped, as I understand it? A. I don't know anything about that case.

Q. You have said that you could not understand how they could have used over 6,000 yards of this muslin for bandages? A. Yes, sir.

Q. Well, I find in the following year they have as you have stated at more than one-third of its actual value—they took 9,633 yards? A. Of Utica muslin?

Q. Of Utica muslin? A. Utica C?

Q. For bandages; can you understand how, in the ordinary course of conducting that establishment or those establishments, they could have increased the use of that one article more than 50 per cent. in any one year over the previously large call? A. I don't know what could be the cause of it; the storekeeper can answer that question.

Q. Now, what was the price of brown sheeting, Atlantic A—4-4? A. In 1891, $6\frac{3}{4}$ cents, 5 and 2 and 2; in 1892, it was the same thing— $6\frac{1}{2}$ —5 and 2 and 2 off.

Q. That brings it to a net price of about how much? A. You folks ought to be able to figure that down for me; I don't know exactly what it is— $6\frac{1}{2}$, 5 and 2 and 2—I should think, $6\frac{1}{4}$, about.

Q. And the price remained pretty much the same during those years? A. Yes, sir—maybe they dropped.

Q. Maybe dropped? A. Yes, sir.

Q. Down to what was the lowest? A. I furnished it all the year up to the other day for 5 and 8-100 of a cent.

Q. That you were furnishing? A. Yes, sir; I furnished thousands of yards at that price—Atlantic A A.

Q. They advertised, in 1892 and 1893, for 45,000 yards of Atlantic A sheeting, and they paid 10 cents a yard for it? A. You can buy it in any retail store in Brooklyn for 6 cents a yard.

Q. So that they were paid almost double its value? A. That is right.

Q. And they took 53,552 yards of it; and again in 1893 and 1894, the price dropping as you say— A. Yes, sir; that is the year I am speaking of—they dropped.

Q. They again advertised for 45,000 yards of that sheeting and paid 10 cents a yard, and you, I understand were furnishing it for 5 and a small fraction? A. I furnished it in that same year 1894 for less than $5\frac{3}{4}$, the same year they charged you 10 I furnished it the last half of that year for 5 74-100, the same year they got 10 for it.

Q. Do you know anything of the value of the Boston Manufacturing Company's brown sheeting, 6-4? A. Yes, sir; it was worth around 12 cents I think; I will tell you in a moment: worth about 10 cents to-day—a little over 10 cents.

Q. Has it varied very much? A. Probably a cent or a cent and a half, or two cents a yard in the last five years.

Q. In one year has it varied that much? A. Last year it was probably a quarter of a cent higher.

Q. A quarter of a cent higher? A. Yes, sir; that is the 6-4 Boston sheeting you are speaking about?

Q. Yes, sir. A. That is used for single beds in the hospital.

Q. Now they advertise in 1892 and 1893 for 14,000 yards?
A. Fourteen thousand yards?

Q. And you say it was worth $10\frac{1}{4}$? A. Well, it might have been worth around $10\frac{3}{4}$ or 11 two years ago, or $10\frac{1}{2}$.

Q. Well, say 11 cents at the highest? A. Yes, sir.

Q. And they paid $15\frac{1}{2}$ cents a yard for 14,758 yards? A. That was a good price.

Q. That was quite a large price, was it not? A. That was an enormous price; how much do you say, 15 cents?

Q. Fifteen and a half cents a yerd. A. It was an enormous price.

Q. For nearly 15,000 yards? A. Yes, sir.

Q. In 1893 and 1894, that is the succeeding year— A. Yes, sir.

Q. They again advertise for 14,000 yards and they again paid $15\frac{1}{2}$ cents a yard? A. I think that I had the Boston sheeting last year for somewheres around 11 or 12 cents; I had that right after they, that same year I furnished it.

Q. And you furnished it for between 11 and 12 cents a yard? A. Yes, sir; it is somewheres about that; I know it was less than 12 cents a yard.

Q. Do you know the value of— A. It is furnished to-day for about 10 cents, about 10 8-100 of a cent.

Q. Do you know the value of women's Peacedale shawls? A. Yes, sir; I occasionally have prices on them; I think I know about what they are worth now.

Q. Yes; what are they worth now? A. They are worth about \$5 to 6 a dozen, about \$5.50 a dozen.

Q. Well, they paid \$7.50 a dozen in 1893 and 1894—and in 1892 and 1893 they bought 170 dozen, and paid \$7.50 a dozen? A. That was a good price for them.

Q. In each instance all the prices that I am reading now are from the contracts made with Henry Newman? A. Exactly.

Q. Do you know anything of the value of silicia? A. That is per sample, and you wouldn't know anything about it; you couldn't tell anything about it without the sample.

Q. I notice, Mr. Walsh, that shortly after Gott, Nolan and Murphy were in power in this board, that instead of advertising for known brands of articles, as theretofore had been done by the department, they kept calling as per sample, without any other description of the article called for; can you give any reason for that? A. It is very difficult to bid that way.

Q. It is confusing to the bidder? A. It will scare a bidder away very quickly, to pile up samples that way, because it is in the power of the receiver to find fault sometimes unjustifiably.

Q. Whereas if they called for a known brand — A. There couldn't be any mistake about it, and then with sample bids it has a tendency to send you up in figuring on them too.

Q. I see something here about prints; it has been suggested that shirting might be furnished under the same name? A. Yes, sir; Merrimac shirtings and Merrimac prints.

Q. What is the difference in price? A. They are about $3\frac{1}{2}$ or $3\frac{3}{4}$ cents, and the prints about $5\frac{1}{4}$, a difference of about 2 cents.

Q. So that in advertising for Merrimac prints — A. It says P. there, that stands for prints.

Q. It would be possible with the connivance of the department to furnish the 3 cent goods? A. Of course it could be done; I don't say it was; it could be done.

Q. And it places the honest bidder at a disadvantage? A. Of course.

Q. In not knowing as to exactly what they were going to call for from them? A. Yes, sir; that is it.

Q. I notice from Mr. Newman's testimony a statement that in 1890

and 1891, there were two kinds of blankets called for, and on turning to the schedule of that year I find there was a Falls of Schuylkill and the Alaska blankets; those were the two different kinds; now Mr. Newman states that one of those blankets was out of the market and could not be had? A. The Falls of Schuylkill has never been out of the market; the other blanket I don't know anything about, whether it was in the market at that time or not; as far as I know it is in the market.

Q. You are now referring to the Alaska? A. Yes, sir; the Falls of Schuylkill is in to-day; he must have meant the Alaska blanket.

Q. Do you know anything about that Alaska blanket? A. I don't know whether it was out of the market, but at that time it was known in the market.

Q. And was in the market? A. Yes, sir; it might have gone out that year, I can't say.

Q. Have you had dealings in respect to those blankets since then; have you had dealings or knowledge of those blankets since 1890? A. No, sir.

Q. Have you seen them quoted? A. I have seen the Falls of Schuylkill quoted.

Q. No, I am speaking about the Alaska? A. I haven't seen it since; I haven't had occasion to inquire; I could find out for you if it is in the market at any time; the blanket that they had before that was the old Saxtonville blanket.

Q. There was one point that you were examined in respect to yesterday and that was the manner of the blanket now furnished by you; I understand in former years, before Newman contracted with the department, that you supplied the same department with blankets? A. The Saxtonville blanket as it was known in the trade.

Q. Was that blanket similar to the one you are furnishing now? A. Yes, sir; the old Saxtonville mill was burned out and this mill took its place; that is how it went out of the market.

Q. Can you state the character of the blanket, whether it is a good serviceable blanket fit for the purpose? A. It is used by most of the institutions in the State; it is used over at Blackwell's Island exclusively; it is 11-4 that they use in most all of the institutions—a strong, good blanket, and gives satisfaction; it is known as the Hartford 11-4; they used 15,000 pair a year on Blackwell's Island.

Q. And it is actually a larger blanket than he furnished for \$3.75? A. Of course it was a larger blanket.

Q. Yours is the larger blanket? A. Yes, sir.

Q. And your blanket you know is a good blanket? A. I should say it was; I never saw what blanket he furnished, but I know this is a good blanket.

Q. What do you say you furnished yours for? A. I think it was \$3.16 a pair, known as a wool blanket and a staple standard blanket; \$3.16, I think it is, or 17.

Q. What are Stephens' towels worth? A. Towels—Stephens' towels?

Q. Yes, sir? A. Stephens' towels—worth about $9\frac{1}{2}$ or $9\frac{3}{4}$ cents.

Q. Now in 1893 they bought 10,025 yards of that and they paid 13 cents a yard? A. How much?

Q. Thirteen cents a yard. A. Thirteen cents?

Q. Yes, sir. A. That is a good, big price.

Q. Has the price of that article varied very much? A. No, sir; I don't think there is much difference in that article; it has an even price most of the time.

Q. From year to year? A. Very seldom it varies; to-day it is worth from $9\frac{1}{2}$ to $9\frac{3}{4}$ cents, and 13 cents is a good, round top price for it in quantities like that.

Q. Do you know any Turkish towels that can be furnished at \$4.25 a dozen? A. Yes, sir; some Turkish towels can be furnished for \$1.50 a dozen and there are Turkish towels worth \$8 a dozen; you have got to have a sample of that to know what it is.

Q. What is the value of valenciennes laces, as they call it? A. That is a very wide grade; it is all the way from cotton up to the best quality — three to five cents a yard; I don't know what they want that there for.

Q. What is it worth? A. Cotton valenciennes is worth about 5 cents a yard, I should say.

Q. So that 9 cents a yard would be a big price for that? A. I should think so; I could tell you if I had a sample; I don't know what they use it for there.

Q. You never have seen any of it there? A. No, sir; I never furnished any of it to them.

Q. You never saw any that they had bought of anybody else? A. No, sir; I never did, but I think 9 cents would be a good price for valenciennes laces if it is cotton.

Q. Now, you have spoken of Merrimac prints D— have you given the price of that? A. Yes, I gave you the price.

Q. What was the value of that last year? A. That was worth about 5 cents a yard; they were bid in at that time for less than 5 cents — worth about 4 3-4 or 4 7-8, round about that.

Q. And what do you say was the price of blue denhams last year? A. A little less than 8 cents; this year they are 7 and 89-100 about.

Q. Last year they paid 14 cents a yard? A. I had them last year.

Q. The early part of last year I mean; you had the latter part; they paid 14 cents a yard for over 14,000 yards? A. Dress O X A.

Q. They got 14 cents a yard? A. That is exorbitant; I furnished it the following six months for around 8 cents; I guess it is on record there.

Q. What is Hudson Bay flannel worth, do you know? A. Yes, sir; they have gone out of the market now — about 12 cents.

Q. About how much? A. About 12 cents.

Q. They paid for some thousands of yards of that in 1892 and 1893 15 1-2 cents? A. Fifteen and one-half cents a yard.

Q. Now that is in 1893 and 1894, they paid 15 1-2 cents? A. The same year they paid 12 1-2, because they beat me at it.

Q. In 1893 and 1894 they paid 15 1-2 cents for 3,500 yards of that flannel? A. Well, they got it the same year for less than 12 1-2 a yard and they beat me at it; so that they had two prices — a close one, and the other I don't know anything about.

Q. In 1892 and 1893 they bought over 6,000 yards at 14 cents? A. Of the dress O X A?

Q. Of the Hudson Bay? A. At 14 cents?

Q. Yes, sir; what do you say was the fair value of it? A. I thought a fair price was 12½ cents; I got beat at it; I thought that was a good, fair price.

Q. Was the tendency of the price up or down? A. I found them 12½ cents—about 12 cents a yard.

Q. I want to know whether in the following year the price went down or up? A. I don't think they were any higher so far as I know of.

Q. Well, you would know, wouldn't you? A. Well, I don't know; I might possibly hear of it going about the market, but my impression is—

Q. The fact is they went up to 15½? A. In 1894 they went to 12½; there was no reason for it—they were worth about 12 cents, because I got a price and got beat on it; they beat me in figuring in the price; they were lower than I was.

By Mr. Keenholts:

Q. Your bid was what? A. Twelve and one-half; they had it the previous year.

Q. They got the bid to a lower figure than yours? A. Yes, sir; they had two prices in one year.

Q. And did they get that year 14½ or less than 12½? A. They got 15 the last part of the time; I bid 12½.

By Mr. Kemble :

Q. You say you have looked at the schedules; now, take the bleached sheeting, 9-4, what was that worth? A. I haven't got that; I don't know anything about it.

Q. You have no idea of that? A. No, sir; it ain't upon the schedules; I don't know anything about it; it has been taken off this schedule; I don't see it here at all.

Q. What were women's Manitoba shawls worth; what were they worth? A. They ain't on here; they ain't on here at all; that belongs to some other branch.

Q. Do you know anything about the price of women's woolen hoods? A. Well, that is by sample.

Q. So without seeing the sample you wouldn't know? A. I think I saw the sample, but I didn't take any interest in it and didn't bid on it I don't think; I know I didn't.

Q. How about men's woolen mittens? A. Woolen mittens?

Q. Yes, sir. A. Well, that comes in a class; that is in the notion class, ain't it?

Q. No, sir; that is in the dry goods and hosiery class. A. I didn't bid on that; I think it is in one of the notions this year; I will tell you in a minute: no; it ain't in here at all.

Q. I understood you to say that there is no such thing as seersucker at $2\frac{1}{2}$ cents a yard? A. No, sir; I never seen it in my 25 years' around there and nobody else.

Q. There is a call here in 1893 and 1894 for 12,000 yards of it at $2\frac{1}{2}$? A. Yes, sir; they put it on the schedule.

Q. Yes, sir? A. That would result in a big loss if anybody would furnish it, there is a loss of 5 cents right there if they furnished the goods, or any standard article to be used out there.

Q. Now, there is this peculiarity in this bidding for seersucker: in 1892 and 1893 it is advertised for in two different forms—once the bid is $12\frac{1}{2}$ cents and there is none of it taken; then the bid is 15 cents

and there is about 5,000 yards taken? A. There is an enormous profit on that I should think.

Q. And then the very next year they make that call again in the two different places, but in precisely the same language, and the bid is in one case 15 cents and in the other $2\frac{1}{2}$ cents; was it possible to make an honest and a successful bid there? A. No, sir; there was no possible chance of beating that kind of bidding I hold, not with that kind of a price in; in footing up it will beat you and throw you out.

Q. In the same year and in the same schedule the denins are twisted around so that you have two different prices? A. Denins?

Q. Yes, sir; you have two calls for them—one call being about one-quarter of the bid made for the other; none of the lower priced articles were taken and three or four times the higher priced article; is there any explanation of that bidding? A. I wouldn't want to lose time bidding against those figures; I wouldn't do it; it is a waste of time.

Q. As a matter of fact you people of the trade understood that during these years this thing was going on? A. Well, I didn't bid.

Q. Didn't you have some information? A. I made up my mind not to bid because that was balance bidding and I wouldn't do it.

Q. In other words don't you know that there was in the trade in your business, an understanding that in some way or another a favorite contractor was given the inside of the business—that he was favored with information or in the manner of dealing with the department? A. That is the impression I have had the last few years.

Q. So that it was idle for anybody to attempt to compete with him? A. Yes, sir.

Q. And from that information or understanding you went out of that business? A. That is the reason I went out of it—I wouldn't bother with it.

Q. Have you heard other persons talk of that subject? A. Since

this thing has come up they are all talking it over—they didn't know anything about it before that.

Q. Is there an item of Blue Middlesex flannel? A. Blue Middlesex?

Q. Is that on your schedule this year? A. No, sir—it is not on the schedule this year—that was on the old schedule, but it has been taken off; I know the flannel, but I don't know the grades of it; I was not interested.

Q. Do you know what the value of huck towels are? A. Yes, sir; there is all the way from the barbers' size up to a yard and a half long; you have to be guided there by a sample; they had some sort of a sample.

Q. In the schedule of 1892 and 1893 is this item: 230 yards bleached huck towels, 20x40? A. Twenty by forty?

Q. Yes, sir? A. That is a nice size.

Q. What was that worth? A. What is the price?

Q. Here it says \$1.50 a dozen? A. It can't be much of a towel for that price; it is cheap enough at that price.

Q. Well, they didn't get any; on the same schedule in another line is towels per sample, and there it was \$2 a dozen? A. The same size?

Q. No, sir; they don't give any size? A. They could send down barbers' towels that way, and they would have to receive it, because you have no description there to hold the contractor at all; you have no description of the size of the towel; they could send you any size they liked.

Q. Do you know the value of creton? A. Yes, sir; but there is a dozen different qualities of those things; you would have to have the sample to know what it was; that is for covering furniture I suppose.

Q. It says Merrimac creton? A. Yes, sir; they use it for covering furniture a good deal; it don't give any brand or anything of the kind.

Q. Do you know the value of cassimeres? A. It is per sample there?

Q. Yes, sir? A. If I had a sample here I could tell you.

Q. Thirty-one cents? A. It is a very cheap price for cassimere, 31 cents; of course if I had the sample to see it here I could talk to you.

Q. In 1892 and 1893 there is an item of flannel, Belvedere royal blue? A. The price is about $24\frac{1}{2}$.

Q. Twenty-three and a half? A. That is very low—a very reasonable price if they get it.

Q. I will see if they furnished it; they seem to have dropped that out of the schedule the next year; Caledonia XX Blue Furniture checks; is that on the schedule this year? A. Caledonia?—no; they have changed it to the Amoskeag; it is a good article and worth about 6 or 8 cents.

Q. About 6 cents? here they furnish 8,004 yards; they call for 3,000 and furnish 8,000 yards at $9\frac{1}{2}$ cents? A. That is a good big price; this is just as staple an article as anything going; I don't know how it stands with that; I don't think there is any difference—the Amoskeag.

Q. And in the following year 1893 and 1894 they furnish the same thing and raise the price to 10 cents a yard and Newman again furnishes the articles? A. I was furnishing the Amoskeag furniture check for $6\frac{1}{4}$ last year.

Q. How does it compare with the other? A. I don't know of any difference; I think they don't run far away; I could find out for you by to-morrow; I know there is no such difference as that in the price anyhow.

Mr. Schulz—This committee will take a recess until 2.30.

PROCEEDINGS OF FRIDAY AFTERNOON, AUGUST 9, 1895.

Present. — Mr. Schulz of committee.

Mr. Hugo Hirsh of counsel.

James W. Birkett, being called as a witness and duly sworn by Mr. Schulz, testified as follows :

Examined by Mr. Hirsh :

Q. What is your business, Mr. Birkett? A. I am in the manufacturing business.

Q. Manufacturing what— A. And contracting; steam heating plants; contracting business for all kinds of work.

Q. Your business is now a corporation? A. Has been, yes, sir.

Q. Is now and has been for some time? A. Yes, sir.

Q. Known as the J. W. Birkett Manufacturing Company? A. Yes.

Q. Are you an officer in that company? A. Yes, sir.

Q. What is your position? A. President.

Q. How long has that company been in existence, Mr. Birkett? A. Three years, three and a half years; somewhere about that.

Q. You were a contractor with the department of charities and corrections? A. The firm was a contractor; yes, sir.

Q. When I speak of “you” I mean the company. A. The firm, yes, sir.

Q. When did you first become a successful bidder for articles in your line with the department of charities and corrections? A. That I couldn't tell you; I am not familiar with the time we first was a successful bidder.

Q. Do you know whether it was the fiscal years of 1891 and 1892? A. It possibly might be so, but I don't recollect.

Q. Had you ever been a bidder before that time, do you recollect, your firm? A. I couldn't tell you that?

Q. Well, before this business was a corporation and you ran it indi-

vidually, were you a successful bidder with that department? A. I can't tell you that; I can't remember; it is too far off.

Q. Well, can you remember back as far as five years? A. Some special thing I might remember back five years.

Q. Don't you remember when you first became a successful contractor, or a successful bidder, with the department of charities and corrections, either you yourself or your corporation? A. That I can't tell, because I don't know.

Q. Do you know how you came to send in bids to the department of charities and corrections? A. I seen the advertisement in the newspapers.

Q. And then you formulated your bids in accordance with the advertisement? A. We went up and got a schedule and figured on the schedule; that is the way they do in the charities department, in fact, all departments.

Q. You got a copy of the schedule and took it back with you, and then you started in figuring? A. Yes, sir.

Q. Have anybody to help you? A. My clerks in the office, yes; Mr. Curtin in particular.

Q. William G. Curtin? A. William H. Curtin.

Q. What position did Mr. Curtin hold in your place at that time? A. He had charge of that part of the business, and also the financial part.

Q. Did you go over all the bids yourself before they were sent to the department? A. No, sir.

Q. Upon whom rested the responsibility of interposing these bids? A. If we were the lowest bidder, Mr. Counsellor —

Q. No, I haven't reached that yet, Mr. Birkett, I asked you whether you saw every bid that was interposed before it was sent to the department? A. No, sir; it is not necessary.

Q. Now, I ask you upon whom the responsibility of interposing these bids rested in your corporation? A. Well, it rested with the president of the corporation.

Q. That was yourself? A. Yes, sir.

Q. Now, as you don't know all the bids, who did you leave it to?

A. Well, our financial — our clerks in the office that were accustomed to and brought up to that line of business.

Q. Was there no one person responsible for these bids? A. I am responsible, understand.

Q. Who did you hold responsible? A. Mr. Curtin.

Q. So if he interposed a bid which would have resulted in a large loss to your corporation, you would have held him responsible; is that it? A. No, sir; I would have had to have been responsible for that myself.

Q. You would have been responsible to the corporation? A. Yes, sir.

Q. But would you have held Curtin responsible to yourself? A. No, sir; there was no responsibility, understand, in regard to that.

Q. Then, as I understand it, you would take the responsibility of his act without holding him responsible for any act of his own; is that it? A. That is the business; that is the way business is done sir.

Q. I am perfectly satisfied that you shall do business that way, Mr. Birkett; I simply want to know what the practice actually was, whether you being held responsible by the corporation for duties left to you, held nobody responsible for the duties you sublet; that is what I would like to know; if you were responsible to the corporation, as you say you were, for these bids, whether you held anybody else responsible to yourself for a failure to perform their duty, or for an error of judgment, if you like; I don't care what you call it? A. I am responsible for anything of that kind.

Q. Then you wouldn't hold Curtin responsible for any error that he would have made in a bid which resulted in a loss to the corporation? A. We would have to take that as one of the — same as we take everything else.

Mr. Hirsh.—I will have to suspend your examination, Mr. Birkett. I want to examine this engineer, who is a public official. Will you kindly step aside a little while?

The Witness.—I am going away at 4 o'clock.

Mr. Hirsh.—Well, I will excuse you until Monday morning. Will you be here at 10 o'clock Monday morning?

The Witness.—I will be here at 10 o'clock Monday morning, counsellor.

William S. Johnson, being called as a witness and duly sworn by Mr. Schulz, testified as follows :

Examined by Mr. Hirsh :

Q. Mr. Johnson what is your business? A. I am a civil engineer.

Q. A sanitary engineer? A. Yes, taking up that branch of civil engineering.

Q. And are you engaged in the branch of sanitary engineering in connection with any department of this city? A. Yes; I am sanitary engineer in the department of health.

Q. Under Doctor Emery? A. Yes, sir.

Q. Commissioner; and as such did you proceed to the county buildings at Flatbush and examine them for the purpose of testifying here as to their condition, their sanitary condition? A. I did.

Q. When did you go there, Mr. Johnson? A. I went to the hospital and almshouse yesterday, and I had already visited the insane asylum previously, last fall some time.

Q. And you are in a position to testify what the sanitary condition of those buildings now is? A. As much so as can be seen in such an examination as I made.

Q. Well, you spent several days? A. I spent one day; I spent yesterday, and another day on the insane asylum; by that I mean that it is impossible to testify as to the sanitary condition without a carpenter and some mechanics to help you.

Q. But without their help you have made 'an examination of those buildings so that you can state generally what their condition is? A. Certainly.

Q. What kind of buildings are they, Mr. Johnson, all the county buildings there? A. They are of brick.

Q. Old or new? A. Old, some of them very old, apparently.

Q. Are they, in your opinion, built for the requirements for which they are now used? A. They are not, decidedly.

Q. Not at all suitable for the purposes now used? A. No, sir.

Q. The ventilation in these buildings, generally speaking, before coming to any particular one, is it good or crude? A. It is very crude, indeed.

Q. Will you describe it generally, Mr. Johnson? A. As a general thing they depend on windows alone—windows and doors for ventilation.

Q. Is that a good system of ventilation? A. It is very poor, where the rooms are crowded as they are there especially.

Q. Is it any system of ventilation where patients, suffering perhaps from pulmonary diseases or from fever troubles, should have a well-ventilated ward, or in the winter time when it is very cold outside? A. The ventilation for the wards in the hospital is only by doors and by skylights over the doors.

Q. Well, is that a good system of ventilation for wards of that kind? A. It is a very poor system.

Q. Did you find places where the ventilation was entirely insufficient, Mr. Johnson? A. Yes, sir.

Q. Where was that? A. That was in the hospital.

Q. What did you find to be the existing state of affairs there? A. As I say, in all of the wards of the hospital, on the male side, the only ventilation is by means of a door at each end of the room, the room extending through the building, and the transom over the door; in summer there is a good draft through, but in winter, when the doors have to be shut, I can't see how they could have any ventilation to

speaking of, as when the transoms were open the cold air would certainly blow right on the patients.

Q. They would have to have the windows and doors open in the summer-time for the draught? A. Yes.

Q. And in the winter-time the same thing, and that would give draughts to the patients, cold air? A. Certainly.

Q. There is no other system of ventilation there at all, no modern system? A. There are some ventilating flues on the female side, which is the newer side of the hospital; they add some to the ventilation, but they are not sufficient.

Q. But on the male side there are none? A. On the male side there is no attempt at ventilation whatever.

Q. Did you notice the condition of the plumbing? A. I did.

Q. What was the condition of the plumbing, Mr. Johnson? A. Well, it was in a shocking state; the pipes were defective and battered.

Q. Leaky? A. Yes; leaks had been stopped up by winding rags around the pipes; the covers to the clean outs on the traps are off in a great many instances, and loose in other instances.

Q. Leaving a direct communication to the sewer? A. Yes, 3 inches in diameter, direct connection to the sewer.

Q. And did you find that to be the case in many of the wards? A. Yes, sir; in the hospital it was the case, I should think in a majority of the wards, and in the other buildings it was frequently the case.

Q. This plumbing didn't show then that a vast amount of money had been expended in repairs? A. With a few exceptions it didn't look as though it had been touched for years and years; there are some evidences in the pipes, short lengths of pipe.

Q. Did you notice the lead pipes in the bath rooms, their condition? A. Yes, sir; they were badly battered; in fact, in such a condition in a great many cases that it was almost impossible for water to get through, to say nothing of the slime which must pass through the pipes.

Q. And the fixtures generally, were they in a good or bad condition?

A. They were in a bad condition generally speaking.

Q. What would be the result of that character of plumbing on the health of the people there? A. Well, I am hardly qualified to say that, because I am not a physician.

Q. But you know, so far as the result of whether it is good or foul air that must necessarily escape? A. The foul air escapes into the rooms.

Q. Can't help but escape into the rooms? A. A vast amount of foul air and what is ordinarily called sewer gas escapes into the room.

Q. Did you notice the iron pipes, and their condition? A. The iron pipes of course, many of them I couldn't see, because they are in the walls; but those that I could see the joints appeared to be defective, and there were holes broken in the iron pipes in several instances.

Q. Some places improperly caulked? A. Yes.

Q. How large are the holes that you saw on these iron pipes? A. Well, I could almost thrust my hand into one of the holes; there are others which are smaller; that is the largest one.

Q. What does that show, natural decay or age, or from usage? A. I should think it had been struck sometime accidentally.

Q. And does this hole also emit sewer gas? A. Yes; this largest hole was in the cellar, and the odor of the sewer gas there was very decided.

Q. Did you notice the hospital, whether it was overcrowded or not? A. It was very much overcrowded.

Q. Well, can you give us a comparison as to the overcrowding? you have seen tenement houses crowded? A. Well, there the cubic air space per patient was between 300 and 400 cubic feet.

Q. What are the best authorities as to the necessity of cubic feet of air? A. Well, the minimum is from 1200 to 1500 cubic feet for a hospital.

Q. That is the minimum for a hospital? A. For a hospital; in

tenement houses and lodging houses in this city, they do not intend to allow but 400 cubic feet; that is the minimum for able-bodied persons sleeping, — staying there only in the night.

Q. And here you found less than 400 feet? A. Yes, in almost every case there is less than 400 feet.

Q. In the hospital? A. Yes.

Q. What did you notice besides the overcrowding in the wards, Mr. Johnson? did you notice the closets and bath rooms? A. The bath room was in the corner of the ward, entirely unventilated, except into the ward itself; it was separated from the ward by a partition extending part way to the ceiling, a space between the top of the partition and the ceiling being left open; all the ventilation it had was into this room where the patients stayed; no light or air except from that.

Q. What is the style or character of the closet that is used? A. It is what is known as a short hopper-closet; it is an iron closet, flush by a valve, and it has an iron trap; on the top of the trap is an opening, which is covered by a plate of iron, a trap covered—that is left there to remove obstructions—in almost all these closets in the hospital those trap covers were off.

Q. Thus giving again direct communication to the sewer? A. Certainly—the value of the trap is as nothing when that is open.

Q. And how were the bath tubs connected? A. The bath tubs were connected by a length of lead pipe run into the trap from the wash basin, the wash basin trap; this pipe was generally about four feet long; it ran along the floor, but it sagged so it made a trap in itself; it was battered in some cases almost flat, and in many cases there were holes, and these holes had been stopped up, sometimes evidently by a plumber, but more often by winding a rag around the hole.

Q. Did you notice what the odor was in the bath tub and closet? A. It was very foul from almost every fixture.

Q. Well, from what you said, Mr. Johnson, the odor in the entire hospital must be very foul? A. It is not in the summer, because there is a splendid circulation of air in the hospital—there was at the time of my visit; it is entirely free from surrounding buildings and consequently the draught through there is splendid.

Q. But the odor is constantly arising and then is draughted out through the windows and the doors? A. Yes; in winter the condition would be entirely different.

Q. Did you notice whether there were openings from the bath room into the partition spaces? A. Yes, in several cases there were holes into the partition spaces, and those were very offensive to the smell, and even more so to the eyesight, full of dirt and filth; in fact, that was the case under and around the fixtures in a great many of the bath rooms; it was very filthy; the patients were eating their meals sometimes in the bath room.

Q. Eating their meals in the bath room? A. In the bath room; yes, sir.

Q. When was this, Mr. Johnson? A. This was yesterday.

Q. Did you notice any nurses or physicians around when they were doing this? A. I can't say as to that; I don't remember seeing the nurses at the same time.

Q. How many patients did you see in the bath room at a time eating their meals? A. I think in two bath rooms I saw them; I think it was two.

Q. And how many patients were there in these bath rooms? A. Two or three; I didn't pay particular attention to them—that was rather out of my line.

Q. Well, there was no place for them to sit down except the seat of the closet and the edge of the bath tub? A. The bath tubs were covered by boards and that makes a very convenient table for them, and I presume that is one reason for it, and it is a little more private.

Q. And the only ventilation for these wards is by the transom over

the door, by the door itself and by the window? A. Yes, sir; no window, no window whatever.

Q. No window in these wards at all? A. No, sir; it is simply by the door and the transom over the door.

Q. Well, where do they get light from in the wards? A. From the doors and the windows.

Q. Well, the doors are glass? A. Partially of glass.

Q. Do you say that none of the wards have windows—the male wards? A. There are none unless it is the end wards, and that I can not say; but most of them have no windows.

Q. So that in the winter time, when these doors and transoms are necessarily closed, and these noxious and foul vapors arise, and with this apology for plumbing and these closets and bath-tubs, the state of affairs must be simply horrible. A. It must.

Q. It could in no wise be conducive to the health of a patient do you think, Mr. Johnson? A. Well, it is such as would not be allowed in a private house if it were known.

Q. Not alone where people are housed for the purpose of making them better physically. A. No, sir; generally supposed that in a hospital we want something better than we want for a private house or a tenement house.

Q. Did you examine each room? A. I went into every room.

Q. Each ward? A. Where there were any patients kept.

A. And you say that this condition of affairs applies to all? A. Some were better than the others, but in general it applies to them all alike.

Q. How does it apply to the female side? A. On the female side there are ventilators and registers in the rooms opening into the ventilator; that assists some in the ventilation, but it must be very deficient even at that.

Q. Is the female side of the hospital also overcrowded? A. Yes, sir; in one case the soil pipe, the upright line of iron pipe which takes

all the scwage, on the top ward it was brought too near the ceiling; there it was changed into an ordinary stove pipe with slip joints apparently, and that turned into the ventilator went up to the flue, which is considered exceedingly bad.

Q. Well that permitted the sewer gas to escape directly into the rooms? A. Wherever there was a downward draft it couldn't be otherwise, and there is frequently in flues a downward draft.

Q. Did anybody see you making your investigation? A. Yes, sir.

Q. Was Doctor Arnold with you? A. One of the physicians; I didn't stop to inquire his name.

Q. Went around with you through the various wards? A. Well, went through with me everywhere.

Q. Did you point out to him the situation? A. Simply—no, I hardly, in any case, did I point out to him; an assistant was with me who was taking notes, and I spoke to him; he heard it.

Q. Did he say anything? A. Nothing that applied particularly to the—

Q. Did you also go into the basement? A. Yes; the basement is divided up into wards the same as the other stories; the basement is 4 feet below the ground; it is, according to law, a basement, and not a cellar, so a person could be allowed to sleep in it, but it was damp; it was damp even on the day I was there, which was a very clear and bright day; there was that cool, damp feeling, which would not be agreeable, I should think, to a sick person, particularly.

Q. Well, did you notice the plumbing in the basement? A. The same applies to the basement as to the other wards.

Q. Do all the plumbing, the various pipes from the other portions of the hospital, go through the basement? A. They go down and underneath, under the basement floor, and then out aside of the building to their private sewer; on each pipe which goes out of the building there is an intercepting trap placed in a manhole just outside of the building, supposed to keep gasses from the sewer from getting into the pipes in the house.

Q. Did you notice the condition of those traps? A. Well, the trap covers were — I didn't get down into them, as they were too foul, the manholes were, I didn't dare to; the trap covers were held down by stone, and in one case, evidently, the stone has not been sufficient; there was something like six inches, I should say, of sewer filth in the manhole decomposing, which was very nauseating indeed.

Q. And where was that, on the inside of the basement? A. No, that is just outside of the basement.

Q. Are the closets on the female side of the hospital situated similar to the closets on the male side? A. Yes, in every ward.

Q. With the same methods of ventilation? A. Yes, sir.

Q. The partition not going to the ceiling? A. Yes, sir.

Q. And did you find the condition of filth and the plumbing there as you did on the male side? A. Yes, sir; it was about the same all through the building; there were not so many trap covers loose in the female side as there were in the male side.

Q. Did you see the plumbing repaired with rags there as you did on the male side? A. I don't think — I don't recollect a case where it was so in the female side.

Q. Is it possible, that the basement, Mr. Johnson, is a healthy place to put patients? A. I shouldn't consider it so.

Q. You say it was damp? A. It had the feeling that a basement always does that is below ground.

Q. Was it a cemented basement or boarded? A. It was boarded; I I don't know whether—no, it was boarded; I don't think there was any cement underneath; I don't think there could be.

Q. The plumbing, you say, in the basement was in the same condition as the plumbing in the rest of the building? A. Yes, sir.

Q. Bad? A. Very bad.

Q. Foul? A. Yes.

Q. What method of ventilation did they have in this basement? A. The same.

Q. Simply through the entrance doors? A. Yes.

Q. No windows? A. There were some small windows in the basement which lead out into the corridor which passes along the front of the wards.

Q. Did you notice the joints of pipe in the cellar? A. In the cellar the iron pipes, as much as I could see of it, it was defective; it was there I found the largest hole in the iron pipe—one that you could thrust several fingers into; and the joints, you could thrust a knife into the joints, showing that it was all open to the air.

Q. Was that a matter of age or usage? A. Well, it was partly a matter of age, and then, I think, probably the holes had been made by being struck some time; the joints will become defective in time.

Q. All of which permitted foul air—sewer gas—to escape into the building? A. It was very observant in the cellar, there, in the vicinity of those pipes.

Q. Well, the cellar was open, draught blowing through? A. No—there was no ventilation; it is only a subcellar and used for machinery; there is no light, no ventilation.

Q. What kind of machinery? A. For the elevator machinery and for the pipes.

Q. Anybody in charge there? A. I don't think there is any man down there continually—he simply goes down to oil up his machinery.

Q. And then the machine runs and he is outside? A. Yes, sir.

Q. But there being no ventilation at all, or very little, you noticed the foul air and sewer gas much more there than you did in the rest of the building? A. Yes.

Q. And that gave you an index to what the wards must be in the winter when the doors are closed? A. Yes, sir.

Q. You spoke a little while ago about a man-hole outside of the basement; was that so that anybody could notice it as they went by, this filth in the man-hole? A. I don't think they could; it was

covered by a wooden cover; I hardly think they would notice it as they went by,

Q. But the odor was noticeable? A. It was when you lifted the cover, very noticeable.

Q. And did you notice what there was in the trap, whether it was accumulated filth that had been washed down by the pipes. A. It appeared as though it was due to a stoppage in the sewer which had lifted the trap cover off and the sewage had evidently risen in the man-hole, and the solid portion had been left there, deposited.

Q. And was there decomposing? A. Yes, sir.

Q. The condition of the hospital, Mr. Johnson, was such that it didn't take a man of your experience and ability to discover that at all; anybody could have seen the same filth and smelt the same odors, couldn't they? A. I should say so.

Q. It takes anybody only with an eye to discover holes in a waste pipe? A. That is all.

Q. Doesn't take a sanitary engineer to discover that? A. No, sir.

Q. So that what you saw in the main must be noticeable to anybody in the hospital? A. Yes, sir.

Q. And of necessity to the physicians in charge, who go through the various wards? A. If they took the pains to look for it.

Q. Well, if they are there in the winter they don't need to take much pains to smell for it do they, Mr. Johnson? A. I should say not.

Q. Did you also go into the idiots pavilion? A. I think that is a new building, and the water-closets are separated from the rest of the building, communication only by the door, and the rooms are well ventilated.

Q. How large a building is that? A. I should say it was about 75 feet long by 40 feet wide, and one story only.

Q. Made of brick? A. That was made of wood I believe; yes, I think it was wood.

Q. Did you notice how many inmates it had? A. No, sir; It only required a glance to see that it was not overcrowded however; tell that by the beds.

Q. How did you know how many patients were in each of the wards in the hospital? A. I had to take the word of the physician who showed me around, to a certain extent, and I saw by the number of beds; he informed me that there were every night—there had to be beds made up for the convalescent patients on the floor; there are not beds enough.

Q. Before you were told that by the physician who accompanied you, did you see the beds piled up in the corner that were used? A. I saw beds scattered around almost everywhere, evidently for use in such cases.

Q. How many standing beds were there in the rooms that you noticed, about how many; what was the average? A. I believe it was 20 in each room; 18 or 20.

Q. And you were told— A. That they frequently made up 10 or 12 beds; that they generally had to have 10 or 12 beds in the aisle between them.

Q. On the floor? A. On the floor.

Q. Is the ventilation as good on the floor as it is on a bed above the floor—two or three feet above the floor? A. No, sir.

Q. Why is that, Mr. Johnson? A. Because you don't get the same circulation of air.

Q. So that a person bedded on the floor in the hospital gets still worse air than a person— A. Be more likely to feel draught in the winter, too.

Q. And they are liable to get more draft in the winter? A. Yes.

Q. That is, the air coming through the interstices? A. Yes.

Q. Did you also go to the almshouse? A. Yes, sir, I did.

Q. What did you find to be the condition there? A. In the women's pavilion the plumbing is in a most wretched state; it is out of repair,

but the bath rooms, in which the closets and other fixtures are situated, are separated from the sleeping rooms, which is a distinct advantage, and are ventilated by windows to the external air ; the pipes there were very defective ; almost every pipe was bandaged with a rag, and they were battered.

Q. Holes in them? A. Yes.

Q. Foul air and sewer gas escaping? A. It was not noticeable there because it was so well-ventilated ; it must be so

Q. The draft on a fine, warm summer's day was good there? A. Yes, sir.

Q. Consequently you noticed no odors ; what would you say the condition would be in the winter-time with all the windows and doors closed, with that condition of plumbing? A. I should think it would be foul air there ; I don't see how it could be otherwise.

Q. What was the condition of the traps to the closets? A. The traps of the closets were—the covers were on ; somebody had evidently seen to that, and when the obstructions had been removed they put the covers back properly ; it is a very simple matter to put the covers back properly.

Q. So that you think with the plumbing, as it is battered and defective, whoever has charge of the almshouse has taken better care of it, so far as his means would go, so far as the means at hand would go, than those in charge of the hospital? A. I think they have ; the fact that the pipes are patched up with rags shows that they have tried to do something to keep it in good condition.

Q. And the fact that the traps were on shows that they have taken care to put the traps back? A. Yes, sir ; under and around the fixtures it was kept much cleaner in the almshouse than it was in the hospital.

Q. There was generally more cleanliness in the rooms themselves? A. Yes, sir.

Q. In the almshouse? A. In the bath rooms ; yes, sir.

Q. In the bath rooms and water closets? A. Yes.

Q. There in the hospital you found a great deal of filth? A. Yes.

Q. While in the almshouse you found none? A. Well, not much; hardly none.

Q. Did you notice whether the almshouse was overcrowded? A. It was very much overcrowded.

Q. How many have they got there? A. Mr. Murray told me that they had 1,350 I think on the roll

Q. What air space does that give the individual? A. In most of the rooms, of the large rooms, it was not over 400 cubic feet, the minimum lodging-house space; and in the smaller rooms, which lead from the larger rooms, the air space was sufficient and there was good ventilation; but in the large rooms it was defective.

Q. How are the beds put in the almshouse—close together or far apart? A. They are put in just as thick as they can be and get around; there is just room enough for the women there in the women's house to get between the beds—get to their beds.

Q. Well, that is hardly a healthy condition of affairs, is it, Mr. Johnson? A. I think it is far from healthy.

Q. How many floors are to the almshouse? A. There are three floors and a basement.

Q. And did you get through the entire building? A. Yes, sir.

Q. Did you find the same condition to exist on all the floors? A. Yes, sir; practically so.

Q. Male and female department? A. No, sir; in the male house, it is, I should say, a newer building; it seems to be in much better condition than the female.

Q. The plumbing in better condition, too? A. The plumbing is better for the reason that in the male house they don't use the plumbing except at night; you go outdoors to a closet outdoors during the day-time.

Q. Did you notice the condition of the basement? A. The base-

ment of the women's building was, part of it, was used for sleeping rooms for the cripples, those who are not able to go upstairs.

Q. What was the condition of it? A. That was an entirely wrong place to put them, in my judgment, as it is damp there, and in that case the water-closet was not separated from the rest of the room, except by a lattice work—slats, rather.

Q. The only ventilation then to the water-closet was into the ward—into the room? A. There were windows also in it, but of course the air must be disseminated throughout the room.

Q. And this place was used for cripples? A. Yes, sir.

Q. Who told you that it was used for cripples, Mr. Johnson? A. I saw cripples there, and Mr. Murray, I believe is the name, said he kept all his cripples down there so that they wouldn't have to crawl upstairs.

Q. No elevator to the building? A. No, sir.

Q. What was the atmosphere, generally, of that basement? A. It was bad; that was the worst room in the building.

Q. The male pavilion has a closet on the outside grounds? A. There is a closet on the outside, sort of a vault which is flushed out into the sewer, water kept running in it all the time.

Q. Is it a single closet? A. It is a vault with a rail around the top on which they sit on—no seats.

Q. And connected with the sewer? A. Connected with the sewer.

Q. Did you notice the condition of the closets in the house? A. In the male house?

Q. Yes? A. It was a sink, a metal sink or tub, which was flushed by water from one end, connected with a sewer at the other end; that was intended to keep water in it, but they evidently didn't keep water in it, just simply flushed it out.

Q. No water in? A. No, sir; it was foul smelling, as it must be, being kept dry.

Q. And it was offensive? A. It was, yes; although it was per-

fectly clean at that time ; I should say as clean as water could make it, but it was offensive because they didn't keep water in it as was the intention.

Q. But you say this room, or this closet, is entirely separated from the wards? A. Yes; in order to get to this room from the wards you have to go through the washroom, and this is in the corner, with windows on two sides I believe; the water-closet accommodation I should say was very defective, though, because this closet is on one end of the room; there is no closet anywhere else on the floor, and consequently a person to go to that water-closet must travel from one end of the building to the other.

Q. And how long is the building? A. I should say it was 100—it is over 100 feet long, perhaps 125 feet long.

Q. And how many people on that floor? A. Probably 250 at least.

Q. Two hundred and fifty people on the floor, and they have to run from the end of the building or whatever portion of the building they are in, to this one closet? A. On the opposite end there is a large room with 133 beds in it; a man at the farther end of that room would have to go by some 15 or 20 beds perhaps, where his sleeping comrades were, to get out into the hall, and then he must go to the length of the hall to the farther end of the building to get to the water-closet.

Q. Were the main pipes in the building accessible to you, Mr Johnson? A. No, sir; I couldn't see the pipe system at all.

Q. They were in the walls? A. They were hidden, yes, sir.

Q. How large was the room in which 133 men were? A. I think it was 60 by 75; I have the figures here somewhere (referring to memorandum), 60 by 75 approximately.

Q. What was the air space for each of them in that room? A. That makes for that room 400 cubic feet; another room on the first floor was 25 by 60, and in it there are about 52 beds, making the air space about 350 cubic feet per inmate.

Q. Or 50 cubic feet less than the minimum allowed for lodging houses? A. Yes, sir.

Q. How high are the rooms? A. They are about 12 feet high.

Q. Is there a children's pavilion there? A. Yes, sir.

Q. Did you go through that? A. I did; that is not crowded at present, I understand.

Q. What is the condition of the plumbing? A. The condition of the plumbing is in general the same as it is, or about the same as it is in the women's pavilion.

Q. Were there holes in pipes there too, which were stopped up with rags? A. Yes, sir.

Q. How is the ventilation there? A. The ventilation of that is better than—because there is less overcrowding for one reason.

Q. Well is the character of the ventilation different, or is it simply because it was not overcrowded? A. The character is about the same.

Q. So the reason why there was better ventilation was because there ain't as many people in the room? A. Yes, sir.

Q. But the method of ventilating is just the same as it was in the other place? A. Yes, sir.

Q. Is there a colored ward there? A. Yes, sir.

Q. Where is it situated? A. That colored ward is—I think the building comes against the children's ward.

Q. It is an old building? A. It is a very old building, the original county buildings?

Q. The original almshouse building? A. I was informed that it was the almshouse, the hospital, and the insane asylum at one time.

Q. Built in 1830 or 1840? A. So I was informed.

Q. What kind of a building is it, Mr. Johnson, wood or brick?

A. It is brick I believe.

Q. Yes; and about how large? A. It is perhaps 75 feet by 30 or 40.

Q. How many stories high? A. Two.

Q. And in these are housed the colored wards? A. On the first

floor is the colored ward, and in the second floor there are some very old women.

Q. White women? A. Yes, sir.

Q. What was the condition of this building generally? A. It was bad; in the colored ward everything was filthy.

Q. Everything was filthy; was there water-closets in that building? A. That was very unattractive to me; there was a bath room that contained water-closets; in there was the food—I was there just about supper time—and three or four colored women trooped out of the bath room before I went in, and there was their supper evidently, which they had taken in there; the floor was dirty and everything dirty about the place.

Q. Well, is there a bath room there too? A. Yes; this was the bath room that I speak of.

Q. Bath room and water closet in one? A. Yes.

Q. This colored building, or the building for colored paupers is it divided up into male and female? A. No, sir; I didn't see any male colored people there.

Q. No one but females there, females and children? A. Females and children.

Q. Is the water-closet in the same room in the ward? A. It is in one corner of the room.

Q. In the same room with the ward generally? A. Yes, sir.

Q. And is it partitioned off? A. It is partitioned off—I must say I didn't observe whether the partition went to the ceiling or not in that case.

Q. What is the ventilation there, Mr. Johnson? A. I think there is a window; about that I can't say.

Q. You didn't spend a great deal of time on the colored pavilion? A. I did not; no, sir.

Q. Was that the last building you visited? A. It was.

Q. And it was pretty late at that time, I assume? A. It was.

Q. Did you notice the plumbing in the colored pavilion? A. Yes, sir.

Q. What was the condition of that? A. It was bad; it was of the same general character as the rest of the building; there was no trap—

Q. Holes in the pipes? A. There was no trap visible under the bath tub; it may have possibly been under the floor, but I doubt it.

Q. Well, I assumed that you noticed considerable odor about the room anyhow, whether there was sewer gas or not? A. Yes, would expect it.

Q. Was there any person attending to the building, in charge of it? A. Yes, there was an old woman there.

Q. Colored? A. I think she was white.

Q. And she had charge of the colored pavilion? A. She appeared to.

Q. And you say the upper floor of that pavilion was occupied by white women, old women? A. Old women, old white women.

Q. Did you go up there too? A. Yes, sir.

Q. Did you notice the general condition of affairs there? A. Yes, sir; it was similar to downstairs except that it was cleaner.

Q. The bath room and closet in the same condition as what you found downstairs? A. Yes, except as I say, everything was cleaner; the tub was not trapped apparently there.

Q. Now, when was it that you went through the insane asylum? A. I went through the insane asylum last fall.

Q. How large a building is that? A. There are several buildings; there is a large building which must be some three or four hundred feet long by 75 feet wide perhaps—that large building?

Q. Yes, that is the main building at Flatbush? A. Yes, sir.

Q. Then there were other buildings? A. There was another brick building, new large building, men in one side and women in the other; then this other building, where women alone are kept, and there are several small—two, I believe—small pavilions where women are kept.

Q. What did you find to be the general condition of those buildings,

beginning with the large building first? A. The condition of the large building, as far as the plumbing was concerned, and the ventilation, too, was much better than either the hospital or the almshouse; the closets were generally situated where they could get ventilation; in the cellar of the building, however, I found that some pipes had been left open where fixtures had been taken away; those were leaking; gas was escaping.

Q. Sewer gas? A. Sewer gas; in other cases the trap covers were off the same as they were in the hospital.

Q. Find the pipes in a battered condition in places? A. Yes; they were very much battered, especially in the smaller building for the women.

Q. Did you find anything in the partitioned spaces? A. Yes—especially in that smaller building for the women; it was very foul, indeed; evidently—well, I don't know what it was, but it was filthy.

Q. What did you notice, so far as the number of inmates was concerned, whether it was crowded or not? A. I should say that at that time it was not very badly overcrowded; at the time I went there I didn't look at that particularly.

Q. Did you examine the plumbing in the insane asylum as thoroughly as you examined it in the hospital? A. No, sir, I did not.

Q. What was your object in making the examination last fall, Mr. Johnson? A. The health department was requested—it came through Doctor Sylvester, I believe, of the insane asylum—to have an examination made, and a report of what was the condition and what was needed; in that report I saw so much that I simply reported that the best thing to do was to employ somebody to go through it and make a careful examination and make the repairs.

Q. What do you say you saw, Mr. Johnson—you say you saw so much? A. Well, the battered condition of the pipes, for instance.

Q. This was evident all over—throughout all the buildings? A. Yes, all over.

Q. That necessarily resulted in foul odors in the building? A. Well, everything resulted in foul odors; it was defective plumbing throughout, and there was hardly a place where you would call it good plumbing, unless it was in the new water-closets which had been just put in at the time of my visit; they were very good, indeed.

Q. But otherwise the general condition of the insane asylum, so far as the plumbing was concerned, was very bad? A. Yes.

Q. And in the smaller women's building, you say you found that in a filthy condition? A. Well, under the sinks and those out of the way places where you have to look in making a plumbing examination it was filthy.

Q. Did you also visit the morgue? A. I did not visit the morgue, no, sir.

Q. Did you see the building used there as a morgue? A. Yes.

Q. How large a building is that? A. Well, I should say that it was 30 by 20—18 or 20.

Q. And how many stories high? A. One story—I thought it was hardly necessary to go there, as we went there it was too late.

(Papers shown witness.)

Q. Is this your report from the investigations that you have made for me upon the request of Doctor Emery? A. Yes, sir.

Q. Is that a copy of it? A. Yes.

Q. Your original report has been sent to Doctor Emery? A. This just came from the type writer and I have not looked at it since—I suppose that is the copy.

Q. You don't need this? A. No, sir.

Mr. Hirst.—I will put this in evidence and have it marked.

(Report referred to marked "Exhibit Q1.")

Q. When the physician was with you, Mr. Johnson, in going through these places, did you inquire from him the cause of these people eating their meals in the closets and bath rooms? A. No, sir; I made no remark, neither did he, about it.

Q. You simply saw it there? A. Yes, sir.

Q. And nothing was said, neither by you, your assistant or the doctor? A. No, sir—I think I made the remark to my assistant—I don't know whether the doctor did, that it wasn't a very nice place to eat one's dinner—something like that.

Q. During your visit through the hospital did you see anything of Doctor Arnold? A. I didn't see anybody that I knew, or I didn't inquire the name of anybody.

Q. Do you know Dr. Arnold? A. No, sir; I do not.

Q. Did you inquire for anybody? A. I inquired for a friend of mine, asked if he was there; that was all.

Q. Well when you went there, Mr. Johnson, did you ask for somebody to show you through? A. I asked for somebody to show me—I said I wanted to go through.

Q. Whom did you see, from whom did you ask this? A. I saw a man, evidently the door keeper; I said that I was from the health department and wished to go through the building; he said he would get one of the doctors to show me through; this man came and showed me around; I told him I wished to go everywhere, and he took me everywhere I wished to go without any murmur.

Mr. Hirsh.—I shall not call any more witnesses to-day.

Mr. Schulz.—The committee will adjourn until Monday morning at 10 o'clock.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON
AFFAIRS OF CITIES AT A MEETING HELD MONDAY
MORNING, AUGUST 12, 1895, AT THE COURT HOUSE,
BROOKLYN, N. Y.

Present.—Messrs. Schulz and Whittet, of committee. Mr. Hugo Hirsh, of counsel.

James W. Birkett, having been recalled for further examination, testified as follows:

Mr. Schulz.— Counsellor, the senator wishes to make a correction.

The Witness.— The organization of the company was July, 1890.

Mr. Hirsh.— The incorporation of the company.

The Witness.— Yes, sir.

Examined by Mr. Hirsh:

Q. That, is the James W. Birkett Company was incorporated in July, 1890? A. The J. W. Birkett Manufacturing Company; yes, sir.

Q. Is that all, Mr. Birkett? A. Yes, sir.

Q. Where do you live, Mr. Birkett? A. At 185 Hancock street.

Q. And have you also a country residence at Kings Park. A. Yes, sir.

Q. Is that immediately adjoining the line of the Kings county property? A. Yes, sir.

Q. And how long have you had that place? A. Two years.

Q. You did not have that then in the years 1891, 1892 and 1893? A. No, sir.

Q. Are you acquainted with Mr. McCanna, the chief engineer? A. I am.

Q. How long have you been acquainted with him? A. Since about 1887.

Q. Since 1887? A. Yes, sir.

Q. And have you known him intimately and well? A. Nothing only a casual acquaintance—that is only through business.

Q. Have you visited him? A. Never.

Q. Saw him at his place of business where he was employed? A. Never—oh, at the county farm; yes, sir.

Q. Do you mean at St. Johnland or Flatbush? A. Yes, sir; at both places.

Q. At both places? A. Yes, sir.

Q. Did you ever make any inquiries from him regarding what articles they would be apt to use for the coming year? A. No, sir.

Q. Did you ever ask anybody else in your employ, like Curtin and others, to make such inquiries? A. No, sir.

Q. Did he ever tell you in the casual remarks that passed between you what articles in his line were apt to be used during the year? A. No, sir.

Q. You say you have known him since 1887; that would be about eight years? A. Yes, sir.

Q. How did you become acquainted with him? A. It is longer than that; I done some work down to the almshouse when Mr. Gilfoyle had the contract for building the extensions to the almshouse and at that time I became acquainted with Mr. McCanna.

Q. Do you know where his house is; do you know where Mr. McCanna's house is? A. I do not.

Q. You have never been in it? A. No, sir.

Q. Have you seen Mr. McCanna lately? A. No, sir.

Q. About when was it that you saw him last? A. About a month ago.

Q. Since this investigation has been in progress? A. No, sir; I don't think so.

Q. This investigation has been in progress since June? A. Yes, sir; I guess it is since then.

Q. Did you have a talk with him then? A. Yes, sir.

Q. Where? A. Down in my office.

Q. Did he come there? A. Yes, sir.

Q. What did he come there for? A. He came on some fitting business.

Q. What is that? A. He came on some fitting business; that they were ordering for the work.

Q. They were out of some material then? A. Yes, sir; they sent an order down and he wanted to know the reason the order had not been sent down.

Q. There was no conversation then between you and Mr. McCanna regarding the investigation? A. No, sir.

Q. None whatever? A. None whatever; no, sir.

Q. And nothing was then said as to the method of contracting?

A. Not between him and I; no, sir.

Q. Have you been acquainted with any of the Democratic leaders, Mr. Birkett? A. I am acquainted with a good many of them.

Q. Intimately acquainted with them? A. Sir?

Q. Intimately, on visiting terms? A. No, sir.

Q. Not on visiting terms? A. No, sir; by saying how do you do, and that is all.

Q. Oh, I mean on visiting terms? A. No, sir.

Q. At the time you became acquainted with Mr. McCanna, the chief engineer, had you then already been a contractor for work on the county buildings? A. I was a sub-contractor under Mr. Gilfoyle; that was my first work.

Q. That was your first? A. Yes, sir.

Q. When had you been a contractor to furnish the class of materials that was thereafter furnished at that time? A. Well, we bid on it for a number of years before we got the contract.

Q. I know that; I want to know whether at that time when you became acquainted with Mr. McCanna, had you been a successful bidder for county supplies in your line? A. No, sir.

Q. No — you had not? A. No, sir.

Q. Don't shake your head, Mr. Birkett, the stenographer can't see you; do you know a man named Kirby? A. Yes, sir.

Q. At the County Farm at St. Johnland? A. Yes, sir.

Q. Do you know him well? A. Nothing very well, only I knew he was the superintendent of transportation?

Q. You see him frequently? A. Very often; yes, sir.

Q. Did he ever visit you at your house at St. Johnland? A. Yes, sir; he stopped in once or twice

Q. And did you stop at his house? A. No, sir.

Q. He was living there with his family, was he not? A. He had his family there; yes, sir.

Q. Have you had any conversation with him as to the materials to be furnished to the county? A. No, sir; I didn't come in contact with him at all in that way.

Q. You did not come in contact with him in that way at all? A. No, sir.

Q. Did you have any horses that you had at St. Johnland that Mr. Kirby used? A. That Mr. Kirby used?

Q. Yes, sir? A. He could always borrow a horse if he wanted one, sir.

Q. Is it a fact that he used horses of yours? A. Yes, sir; he has used horses of mine — borrowed them.

Q. What is that? A. He has borrowed them.

Q. And were those horses subsequently sold to the county? A. Well, I don't know that they were sold to the county, not them horses that he used; they were more like horses, the draft horses were what I sold to the county.

Q. You sold draft horses to the county? A. Yes, sir.

Q. Do you know when it was that you sold the horses to the county, Mr. Burkett? A. It was to the present commission, Henry and Simis.

Q. To Henry and Simis? A. Yes, sir; to Henry and Simis.

Q. They suggested that the horses had been used before they were bought and as they were found to answer the purpose, therefore they were bought; you do not seem to agree with them; you say they borrowed the light horses and you sold them the heavy horses? A. They never borrowed the heavy horses; this was only for him when he wanted to go some place or another and he borrowed my horse to go there; that was the light horse; it was not a draft horse; it was a buggy horse, the horse that I drove around myself, or that my men drove around, during the time that I was doing the contracting.

Q. Did you loan any other horses? A. No, sir.

Q. Did you loan Kirby any horses, or the commissioners any horses,

or any other person at St. Johnland, before you sold them to them, for any length of time? A. No, sir; not that I remember.

Q. Did you know Bailey? A. No, sir.

Q. The farmer there? A. No, sir.

Q. You never knew him? A. I never knew him; no, sir.

Q. Did Mr. Kirby ever send you any fruit or farm produce, Mr. Birkett? there are certain things that are shown upon the books of the station agent as having been sent to you from St. Johnland; do you recollect anything about that? A. They were continually sending goods from my place down to the house, such as eggs, chickens, clams, and anything that I wanted they sent it down.

Q. So those things that they sent to your house from St. Johnland were sent from your own place at St. Johnland through the same station at Kings Park to your house in Brooklyn? A. Yes, sir.

Q. Well, did Mr. Kirby have any employment for you? A. No, sir.

Q. How was it that it appears that Mr. Kirby sent most of these things to your house, Mr. Birkett? A. Oh, I guess you are mistaken.

Q. I am speaking of the record now? A. Mr. Kirby never sent a thing to my house in his life, and the record don't show it.

Q. What is that, Mr. Birkett? A. I say that Mr. Kirby never sent a thing to my house in his life, and the records don't show it.

Q. What records don't show it? A. Any records.

Q. You are mistaken, Mr. Birkett; Mr. Johnson, the station agent, was here and testified directly that on a certain day Mr. Kirby shipped to you different things? A. Mr. Shirley it was.

Q. Mr. Kirby? A. Mr. Shirley his name is.

Q. Mr. Johnson testified it was shipped through Kirby? A. I never received anything from Mr. Kirby in my life.

Q. Who is Mr. Shirley? A. He is the gentleman I have got in charge of my place at Kings Park.

Q. So it may have been that Shirley had given the name to the

station agent and he had taken the name as Kirby? A. He knows the difference—he knows the two men.

Q. The books show Kirby; you say it was not Kirby? A. It was not Kirby; I never got anything from Kirby in his life; I had no dealings with Mr. Kirby.

Q. Mr. Birkett, when you became a contractor for the various things for the county and certain articles were sent for to you under the emergency clause, did you charge about the same prices when the emergency arose that you did under your contract? A. In that case they invariably sent for bids—under the emergency clause.

Q. What is that Mr. Birkett? A. They sent for bids to three or four different people, to different houses, and asked you to send your offer in also, and if you are the lowest bidder they will give you the contract under the emergency clause.

Q. Do you mean to say that this happened in 1891 and 1892? A. That I couldn't say.

Q. I am not talking about the present commissioners; I am talking to you when Gott, Nolan and Murphy ran the department; if an emergency arose and they sent to you to purchase, under that emergency, did you charge about the same prices as you did under your contract, or the same profits? A. On the same price; we would charge the same market price, the same as we would sell to anybody else.

Q. Well, the market price—your bids when you entered into the contract were about the market price, were they not, Mr. Birkett? A. Yes, sir.

Q. What's that? A. Yes, sir.

Q. Now let me call your attention— A.—In some items.

Q. What is that Mr. Birkett? A. In some items.

Q. What were the other items, above or below the market price? A. Some were below.

Q. And some above? A. No, sir; there ain't any above the market price.

Q. They were at no time above the market price? A. I don't think so.

Q. You may want to correct yourself on that, Mr. Birkett? A. I don't think so.

Q. I call your attention— A. Excuse me, Mr. Hirsh; I said that I was not sufficiently posted in regard to that matter to give you a definite idea about that.

Q. Well, we will see if we can't refresh your recollection, Mr. Birkett; of course you are thoroughly posted as to the articles that you deal in in your own line? A. Well, no; I am not thoroughly posted; when I want to get any information I have got to go to the clerks for it.

Q. Do you mean to say that if a person comes into your place now and wants to know what Bundy radiators for instance were worth, you could not tell him? A. I couldn't tell you; I would turn him over to one of the clerks and he would give them the information.

Q. Is there a price list of that? A. Yes, sir.

Q. You could look at that? A. I have men in the employ that do that part of the business.

Q. Well, you could do it? A. I could, but I wouldn't know what the discounts were.

Q. Don't the price lists contain the discounts? A. No, sir.

Q. Who would you send him to now? A. I would send him to Mr. Gallier.

Q. And formerly, when Mr. Curtin was there, you would send him to him? A. Yes, sir; Mr. Curtin had charge of all that.

Q. Mr. Curtin is in business for himself now? A. Yes, sir.

Q. Now, in 1893, the following emergency bills were sent to you: January 27th, 5 standard Bundy radiators, 24, 26, or 2 by 26—I can't exactly see what this is, I will look at the price list—then on the 27th, this was on the 27th; on the 28th they again sent for 2 Bundy radiators, 52 loops each, and 10 Bundy radiators of 52 loops each; and on

February 8th they again sent for 15 Bundy radiators; do you know what the value of those were in 1892 and 1893? A. I don't know—no, sir.

Q. Haven't you any idea? A. No, sir.

Q. Now, let me call your attention to your bid on Bundy radiators; on the schedule of 1891 and 1892, you gave the following bids—Bundy patent radiators, double row of loops, 20 loops, \$1 each; Bundy patent radiators, double loops, 30 loops, \$35 each; Bundy patent radiators, double row of loops, 40 loops, \$1 each; now, that would show that the larger the number of loops the smaller the price; is that right, Mr. Birkett? A. I couldn't tell you anything about that.

Q. Well, as a dealer in those articles, you might know whether it is not so—whether the more loops to the radiator would be higher priced than the less loops; what would be your judgment? A. Naturally so; yes, sir.

Q. That the more loops the higher the price? A. Yes, sir.

Q. Can you explain this bid of yours—that for a 40-loop radiator you charge \$1, and a 30-loop radiator you charge \$35 for? A. No, sir; I can not.

Q. Then can you explain, under those circumstances, if a 40-loop radiator would cost only \$1, how you came to charge for a 52-loop radiator \$70.20 on an emergency? A. I will have to get my clerks to explain that matter; I can't explain it; the matter never came before me in any manner, shape or form; I couldn't tell you.

Q. I know, but I would like to have a better answer, Mr. Birkett—the contract was yours. A. Was that the same year as the contract that you have got there?

Q. No; this was—oh, you draw a distinction that it might have been entirely different in the same year; well, we will see—yes, sir; there was a difference—I will call your attention to your bid in 1892 and 1893, the same year that you furnished the emergency bills—I will call your attention to the years 1892 and 1893; in 1891 and 1892

you charged \$1 for a twenty-loop radiator—in 1892 and 1893 you charged \$35 for the same thing—did they rise suddenly in price during that year? A. I don't understand you.

Q. What is that, Mr. Birkett? A. I can't understand it—I don't know.

Q. Now, for the thirty-loop radiator in 1891 and 1892 you charged \$35, and in 1892 and 1893 you charged \$25—had they been reduced suddenly in that year? A. That I can't tell you—the market fluctuates, understand.

Q. But it would not fluctuate on one radiator alone, would it—it would fluctuate on radiators altogether—isn't that so? A. I should judge so.

Q. You know that much better than I, do you not, Mr. Birkett? A. Yes, sir.

Q. In 1891 and 1892 for the forty-loop you charged \$1, and in 1892 and 1893 you charged 5 cents each—now I would like to know whether they had been so much reduced during that year—you called my attention to the following year, they seem to have come down to 5 cents apiece? A. I can't understand why they have an extra call for those radiators when they are on the price list—I can't understand that.

Q. We will get you to understand it, Mr. Birkett—but what I can't understand, and that which I want you to explain, is how the largest loop radiator—and you said they increased in value as they increased in the number of loops—how you could come down even from \$1, which you charged for the largest loop in 1891 and 1892, to 5 cents in 1892 and 1893, for a forty-loop radiator—that is what I can not understand, and I would like you to explain it? A. I can't explain it because I knew nothing about it.

Q. No—but then you start in the same year, 1893, while they have no fifty-two-loop radiators on the schedule, they ordered fifty-two-loop radiators from you, and from the forty-loop radiator at 5 cents each,

you go up to \$70.20 for the fifty-two-loop radiator; now, can you explain that? A. No, sir.

Q. Have you a price list of these Bundy radiators in your place, Mr. Birkett? A. Yes, sir.

Q. Will you kindly at recess, when we adjourn for recess, after recess bring them with you? A. Yes, sir.

Q. Who do you suppose in your place in 1893 was to blame for this peculiar situation of affairs? A. I don't know as anyone was to blame in regard to the matter; I don't think there is any blame to be attached to it.

Q. Who is chargeable with these peculiar bids—we will put it that way, Mr. Birkett? A. Mr. Curtin had charge of that work.

Q. Mr. Curtin had charge of it? A. Yes, sir; he can explain that.

Q. Did Mr. Curtin have any financial interest in these successful bids, Mr. Birkett? A. No, sir.

Q. He was simply an employe of the Birkett Manufacturing company? A. Yes, sir.

Q. And he received a salary? A. Yes, sir.

Q. And if these bids were successful it was no better for him than if they were unsuccessful? A. No, sir.

Q. Were you a dealer and a successful bidder on fire clay, Mr. Birkett? A. Fire clay and fire brick?

Q. No; fire clay. A. That I can't tell you.

Q. Do you deal in it now? A. Sir?

Q. Are you a dealer in it now? A. We furnish it wherever it is necessary to be furnished; yes sir.

Q. But you did not deal in it as a regular thing—you do not keep it in stock? A. Yes, sir; we keep it in stock; we do not want much of it in stock though; it takes up too much room.

Q. Whenever it is ordered, you get it, do you? A. Yes, sir.

Q. Are you acquainted with the value of that article? A. No, sir.

Q. Do you know anything about it? A. No, sir—oh, I know what it is used for.

Q. Well, do you know whether it is an article that fluctuates in value or not? A. That I couldn't say anything about.

Q. Mr. Birkett, how long have you been engaged in the business in which you are now in? A. Well, in business you mean?

Q. Yes, sir. A. Oh, about 28 or 30 years.

Q. And you are pretty well posted in that business? A. No, sir; I am not posted at all, Mr. Hirsh; I have not attended to business very much for the last four years.

Q. Well, before four years ago did you attend much to business? A. I did—yes, sir.

Q. This is 1895—so in 1891 you were attending to business? A. Well, before that—before that.

Q. Do you mean to say that having attended to that particular kind of business up to 1890 or 1891 that you have lost all track, trace and memory of the prices and value of articles in which you deal? A. They fluctuate, understand; there is a difference in the prices; the market, understand, is not one thing—don't carry the same thing year in and year out—it fluctuates

Q. I don't care to know that, Mr. Birkett; but are you not acquainted generally with the articles in which you deal? A. The names—yes, sir.

Q. But not the articles? A. Not the prices.

Q. Do you mean to say that this Bundy radiator, to which I have called your attention, was one of the articles that fluctuates in one year from \$35 to the next year to 5 cents each? A. Not 5 cents each.

Q. Five cents each? A. I don't know.

Q. Can you tell with reference to any particular article that fluctuates, can you tell any price? A. Every article we deal in, sir, fluctuates.

Q. Year after year they fluctuate? A. Why, every month almost

Q. What is the cause of that fluctuation? A. Why, scarcity; I can't tell what it is—the manufacturers do that part of the business themselves.

Q. An article made of iron would fluctuate, can you tell? A. Yes, sir.

Q. And iron itself fluctuates—can you tell that? A. It has done it lately—yes, sir.

Q. Do you recollect whether it fluctuated greatly from 1891 to 1892? A. No, sir.

Q. You recollect nothing about it? A. No, sir; them things have gone entirely from my mind.

Q. Well, you have books of the transactions with the department, have you not, Mr. Birkett? A. Yes, sir; we have the orders coming from the department.

Q. You have the requisitions? A. Yes, sir.

Q. You have the requisitions coming from the department? A. Yes, sir.

Q. And have you also your own books showing what you delivered to the department? A. Yes, sir.

Q. During all the years that you were a contractor? A. Yes, sir; all these articles have got to be signed for when we send them down to the storekeeper.

Q. I know that Mr. Birkett. A. Yes, sir.

Q. I want to know whether you have your own books showing the amount delivered; then we have the books of the storehouse; I want to know whether you have your books? A. Yes, sir; we have an account of it.

Q. What is that, Mr. Birkett? A. We have an account of it; yes, sir.

Q. You have complete accounts running back to the first time your corporation became contractors? A. I should judge so.

Q. Well, there has not been any fire there? A. No, sir.

Q. In the ordinary course of business you have the books belonging to your business running back for years? A. Yes, sir.

Q. The same as any other merchant? A. Yes, sir.

Q. Is there any objection to our looking over those books, Mr. Birkett, so far as the transactions between your corporation and the department of charities and corrections are concerned? A. No, sir; I have no objections.

Q. Do you know whether fluctuations in price also were on fire clay, Mr. Birkett? A. Sir?

Q. Do you know whether the prices on fire clay fluctuated? A. I don't know anything about that.

Q. Well, you say that the articles you deal in fluctuate constantly; I want to get at this item and see whether that is one of the articles that fluctuate? A. That I couldn't say; I don't know; I couldn't tell you what the price of fire clay was, and I can't tell you whether it fluctuates.

Q. Did you ever buy any yourself? A. No, sir.

Q. Did you ever sell any—you? A. No, sir.

Q. Do you think Mr. Curtin would know something about that? A. It would be most likely, sir.

Q. Do you know anything about earthen pipe? A. Yes, sir.

Q. You keep those on hand? A. Yes, sir.

Q. There is no reason — A. No—we don't keep them on hand.

Q. Do you buy them? A. Yes, sir.

Q. When an order comes in you buy it? A. Yes, sir.

Q. Do you know whether earthen pipes fluctuate? A. Oh, yes, sir; that fluctuates a little; I don't know how much.

Q. Earthen pipe goes by the size, does it not; you sell it by so many inches in diameter; isn't that the way it is sold? A. You can sell it any way you are a mind to.

Q. Well, how do you sell it, Mr. Birkett? A. It usually goes by the size.

Q. It usually goes by the size? A. Yes, sir.

Q. And is the smaller size cheaper than the larger size? A. Are you talking now to the schedule?

Q. I am talking now, Mr. Birkett, from your knowledge of your business; when I get to the schedule I will give you an instance; I want to know now what your knowledge is? A. Well, when we get to the schedule we will talk on the schedule.

Q. No; pardon me, Mr. Birkett; I want your knowledge as a man engaged in that business, whether the smaller earthen pipe is worth less or more than the larger earthen pipe—as a man who has been engaged in that business for 28 years, what is your opinion? A. The larger the pipe the more it costs.

Q. The larger the pipe the more it costs? A. Yes, sir.

Q. Now, when you said a moment ago, “Are you speaking from the schedule,” you meant that that might not apply to the schedule, did you not, Mr. Birkett? A. No, sir; I thought you were talking—you were talking on the schedule all the time.

Q. Did you not mean by that reply that although you knew the larger the earthen pipe the larger the price, that that might not so appear upon your schedule? A. I see that in the newspapers, sir; and there is where I got it from; that is the first I heard of it.

Q. So that is the first time you knew anything about it? A. Yes, sir.

Q. You do not mean that, Mr. Birkett? A. That is true.

Q. The first time you knew anything about it was from this investigation? A. Yes, sir.

Q. That the bid was a less price on larger pipe than was the bid on the smaller pipe? A. Yes, sir.

Q. Is there any way that you can refresh your recollection as to this matter having been called to your attention some years ago, Mr. Birkett? A. No, sir.

Q. Earthen pipe, 4-inch, in the years 1891 and 1892 you bid 1 cent a foot for; the 6-inch you bid 20 cents a foot for; now, is there ordi-

narily such a difference in the price, simply 2 inches difference in the measurement? A. I should think that the 6-inch pipe at 20 cents was the ordinary price.

Q. Then you wouldn't take it that 4-inch pipe at 1 cent was the ordinary price? A. If you don't want 4-inch pipe at all, 1 cent a foot would be all right.

Q. Would you sell earthen pipe, 4-inch, at 1 cent a foot? A. I have given it away.

Q. Oh, Mr. Birkett, lets you and I not split hairs. A. All right; I don't know what you are getting at.

Q. If you will just listen to me we will get along nicely; you don't mean to say that you would sell 4-inch pipe at 1 cent a foot to an ordinary purchaser? A. No, sir.

Q. And you consider 20 cents a foot for the 6-inch pipe the ordinary price? A. Yes, sir.

Q. So when you charged 20 cents a foot for the 6-inch pipe that was the ordinary normal price, giving you a fair profit, and the 1 cent a foot for the 4-inch pipe was with the belief that none would be called for? A. Yes, sir.

Q. When you charged 22 cents a foot for the 8-inch pipe that was also a fair price, was it not? A. No, sir; the 8-inch pipe, I should judge—I don't know—I think the difference might have been a little larger; about a fair price.

Q. What do you say to three cents a foot for the 12-inch pipe; was that a fair price? A. The same answer, Mr. Hirsh, will govern that as it was on the 4-inch price.

Q. That you believed none would be called for? A. Yes, sir.

Q. How did you come to form that belief, Mr. Birkett? A. From my knowledge; or from the knowledge understand that there was—being in connection with it—we were then fitting up the farm—that there was no 12-inch pipe in the work, and if there was there would be but very little of it used.

Q. You formed your opinion then from the knowledge that you possessed by reason of your furnishing the pipes necessary to fix up the St. Johnland farm? A. Yes, sir.

Q. And you came to the conclusion that as there was no 12-inch used there that they would need none for repairs? A. Yes, sir.

Q. And therefore you bid at a price that would reduce the bid generally and permit you to bid a higher price on something else?

A. Yes, sir; not a higher price on something else, but put it in on the market price.

Q. You did not bid higher prices on something else? A. No, sir; market prices; mind you, I am only giving you this not of my own knowledge, but as it appears to me now at the present time?

Q. Yes; did you know whether 12-inch pipe would be used in any of the other county institutions? I did not.

Q. Then you could only surmise that Mr. Birkett, on the county farm? A. We should judge that there was no building going on and consequently there would be very little of that kind of stuff ordered, if any.

Q. But even in repairs they would use that? A. Oh, very little.

Q. And the same would apply to the 4-inch, would it? A. Yes, sir.

Q. Well, the chief engineer would be as well posted as you upon the needs of the department, would he not? A. Yes, sir; better.

Q. Did you see any reason for inserting in the schedules items that might not be used? A. No, sir; I found fault many times with having schedules of that kind; why not make one schedule out for what they wanted, and deliver it at once the same as the other departments do in the city—it would be better to the people that contracted; that is, they would not have to ship down one valve, or one or two valves, and pay 10 cents to go down to the county buildings with them and 10 cents to come back again; there is no profit in that.

Q. But this method of bidding, Mr. Birkett, inured to the benefit of the contractor, if he knew or heard as you did, what would be used?

A. I don't see anything in regard to that part of it.

Q. You don't see anything in that? A. No, sir.

Q. I will call your attention to a few of them, Mr. Birkett? A. All right, sir.

Q. Do you know the value of earthen tees? A. I didn't hear what you said.

Q. Do you know the value of earthen tees? A. They come in the same as drain pipes.

Q. And so much a foot? A. No, sir—so much apiece, if my memory serves me right.

Q. Why, earthen pipe is sold by so much a foot -- earthen tees are so much each? A. So much apiece—yes, sir

Q. Well, is the larger tee the higher prices ordinarily? A. Yes, sir; the same as I spoke before.

Q. What is a fair price for a 4-inch tee — can you tell? A. I can't tell you.

Q. Can you tell what a fair price would be for a 12-inch tee? A. No, sir.

Q. Can you tell what the difference would be as the size increases? A. I can not tell you.

Q. You say you buy those things? A. Yes, sir; the company buys them; yes, sir—I don't buy them—the company buys them.

Q. When I speak of you, Mr. Birkett, I speak of the corporation that you represent; for the purpose of complying with the contract you go out and buy these articles? A. Yes, sir.

Q. Is there a price list for tees? A. Yes, sir.

Q. Will you also please bring that price-list with you this afternoon, Mr. Birkett—will you give me a memorandum of that, please? A. Yes, sir—I will give you a memorandum of it.

Q. In your contract of 1891 and 1892 you charged 5 cents each for a four-inch tees; 60 cents each for the six-inch tees; \$1 each for the eight-inch tees, and 5 cents each for the 12-inch tees; can you explain that, Mr. Birkett? A. On the same principle as the pipe.

Q. You supposed no 4 or 12-inch tees would be used? A. Yes, sir; we took those chances.

Q. Which of the others is a fair price, the 60 cents or the \$1—there is a vast difference there? A. It is a fair price.

Q. Which is fair, the 60 cents or the dollar? A. They are 6 and 8-inch tees.

Q. That is you think a fair price? A. Yes, sir.

Q. Nothing extraordinary about that? A. I don't think so.

Q. That is about what you would ask any person that came in to buy them? A. Yes, sir.

Q. Do you know whether those earthen pipes, elbows, tees, Y's and bends fluctuate from year to year? A. Do I know the reason why?

Q. Do you know whether they did fluctuate? A. Oh, they do.

Q. Earthen pipe fluctuates from year to year? A. Yes, sir.

Q. What is the cause of the fluctuation? A. I couldn't tell you unless it is the labor

Q. You knew whether, as a matter of fact, whether they did fluctuate between the years 1891 and 1892 to the years 1892 and 1893? A. I don't know anything about it; no, sir.

Q. In 1891 and 1892 you bid 1 cent a foot for earthen pipe, 4-inch; that was reduced $\frac{1}{2}$ cent a foot in 1892 and 1893; do you know whether such a fluctuation had taken place? A. I can't tell you.

Q. And where you bid 3 cents a foot for the 12-inch pipe that had also been reduced to $\frac{1}{2}$ cent a foot? A. I couldn't tell you.

Q. Now, earthen elbows that you bid 1 cent each, 4-inch, in 1891 and 1892, you reduced to $\frac{1}{2}$ cent each; and the 6-inch elbow that you bid a penny each on in 1891 and 1892 you charged 90 cents each for in 1892 and 1893; can you explain that, Mr. Birkett? A. I didn't catch what you said.

Q. The item was earthen elbows that I was talking about; in 1891 and 1892 you charged 1 cent each for the 4-inch, 6-inch and 8-inch? A. Yes, sir.

Q. In 1892 and 1893 you charged 1-2 a cent for the 4-inch ; 90 cents for the 6-inch ; 75 cents for the 8-inch and 1 cent for the 12-inch ; what was the reason of that peculiar bidding, Mr. Birkett? A. I couldn't tell you.

Q. You don't know anything about it? A. No, sir.

Q. Was 90 cents a fair price for that elbow? A. I couldn't tell you that; I have just casually given you what I thought at that time.

Q. Was 75 cents a fair price for those elbows? — those are the two highest prices charged by you? A. I couldn't tell you.

Q. Why is it when I asked you a moment ago, when I asked you the prices of similar ware, such as earthen pipes, and when I told you that you charged 20 and 22 cents a foot for that, you thought it was a fair price — now, when I am asking you for similar ware, earthen elbows, you don't know whether it was a fair one or not? A. I guess it must be fair; I couldn't tell you.

Q. Would you consider 90 cents a fair price for that elbow? A. I am giving you what I thought would be a fair price.

Q. What would you say suppose, as a matter of fact, that that sized elbow, 6-inch, was only worth 25 cents each, where you charged 90 cents, would you consider 90 cents a fair price? A. It is a fair price for what you can get for it.

Q. So that is the qualification you make, is it? A. I don't know anything about it at all; the same answers would answer the same questions.

Q. Not after the answer you have just given me, Mr. Birkett? if you meant when you said to me that a fair price means a price that you can get for a thing, then it does not answer what I asked you a short time ago — whether you meant by that a fair market price? A. I will take that back then; I will say it is a fair market price — expunge that from your minutes.

Q. Then you say 90 cents for these elbows would be a fair market price? A. Would it be expunged from the minutes?

Q. No, sir; nothing is expunged from the minutes; anything you desire to explain you will be permitted to explain; we want to be fair with you, Mr. Birkett; I want to know whether when you charged 90 cents for this particular article, when you charged for a much larger similar article, but one cent, whether the 90-cent price is what you call a fair market price? A. I should judge so.

Q. What would you call it if the same article was worth fairly in the market but 25 cents, and you charged 90, wouldn't that be a fair market price? A. You are getting me confounded; I don't understand you.

Q. I will try to make my English so as you can understand it. A. Yes, sir.

Q. You charged in 1892 and 1893, 90 cents for the 6-inch earthen elbow and you say that is a fair market price; suppose I was to tell you that dealers in that article in that same year were anxious to sell the same article for 25 cents each; now would you consider that your price of 90 cents was a fair market price? A. If the dealers would sell it for 25 cents?

Q. Yes, sir. A. I considered it a fair market price.

Q. So even the difference between the one dealer at 25 cents and yourself at 90 cents would make no difference in your opinion as to the fairness in the price; or in other words if you charge 65 cents each more on earthen elbows than anybody else and were able to get it you would consider it a fair market price? A. Yes, sir.

Q. And is that what you meant when you said to me before when I asked you the price of various articles and mentioned the prices to you—that you meant that those were fair market prices? A. Fair market prices; yes, sir.

Q. Then when you mention a fair market price you mean any price you are able to get? A. A fair market price—what a fair market price is.

Q. I want to know what is a fair market price? A. What you can get for it.

Q. What you can get? A. Yes, sir.

Q. Is it not generally supposed that the fair market price of an article is what they will bring in the open market; isn't that the definition of a fair market price? A. No, sir.

Q. It is not? A. No, sir.

Q. What you consider a fair market price is what you can get — if you can get \$1 and another man says "I can get it for 20 cents next door," and then you say "I will have to sell as cheap as my neighbor" — at that time the fair market price is 20 cents; and if he is not posted and he pays you \$1 you consider that the fair market price? A. Yes, sir.

Q. That is right, is it Mr. Birkett? A. Yes, sir.

Q. And that is the way you have been doing business, Mr. Birkett, for all these years? A. It is on the same principal as if you go to buy a pair of shoes; you go in one store and pay \$5 for a pair of shoes, and you go into another store and see what looks to be the very same thing for \$3, and each one of them sells the goods at the fair market price.

Q. And are they the same shoes? A. The looks are the same.

Q. You don't apply that to the earthenware, earthen elbows and tees, do you; an earthen elbow is an earthen elbow all the world over? A. Not at all; no, sir.

Q. What is the difference? A. They are earthen elbows but they might be harder burned or softer burned.

Q. Do you mean to say that there was this difference in these earthen elbows when you bid one cent for one kind and 90 cents for another kind, that you meant that they were of different quality? A. No, sir; I didn't make any question of that kind.

Q. So that the question of quality did not arise? A. I only called that inference because you made the statement that one person would charge one price for one goods and another person charges one price for another class of goods; it was not the question of quality you see.

Q. You mean the question of shoes that you stated was not a question of quality? A. They both say they are the same quality; each one tells you that they are the same quality; each one says they are the best shoes—the one for \$3 and the one for \$5.

Q. And that you say applies to earthen pipe and elbows? A. I am only making that comparison there.

Q. A comparison is not a comparison unless it compares; some men make a shoe that looks well and put paper in for a sole; have you heard of that? A. I have heard of that, but I never saw them.

Q. You never saw them even in the county institutions? A. No, sir.

Q. And other people make a shoe with leather; they might look alike, the same day, and there would be a vast difference in the wearing quality, wouldn't there? A. I should judge so.

Q. Do you know William Ryan? A. No, sir; I do not.

Q. You never knew him in the business? A. Ryan; no, sir.

Q. In 1890 and 1891 he was the successful bidder for this class of articles—earthen pipes, elbows and tees, and in that year he bid 37 cents for the same article that you in the following year bid 90 cents for, to which I called your attention; now, would you consider his or yours the fair market price. A. Is he the successful bidder?

Q. He was in 1890 and 1891? A. And you are asking me these questions on our bids that we did not get?

Q. No, sir—I am asking you on the following year, when you did get it, showing the difference of the prices in 1890 and 1891; Mr. Ryan was the successful bidder in 1890 and 1891, and bid 37 cents for the same elbow that you charged 90 cents for in 1892 and 1893? A. He had the right to put in what price he wanted to.

Q. I am asking you whether his was the fair market price or yours? A. How is it the fair market price?

Q. That is a reasonable price in the open market? A. I should judge so—the fair price in the open market; that was a fair price—I don't know as I can say in regard to that.

Q. How much did they cost you? A. I don't know — I can't tell you.

Q. You don't know? A. No, sir.

Q. The cost price of that article would also appear on your books? A. It would appear on your price list, whatever it was.

Q. Can you tell the various discounts that are given to your firm on such purchases? A. To-day?

Q. Yes, sir, to-day—and what they were in 1891 and 1892, and 1892 and 1893? A. Not from my knowledge — I can't give you anything at all in regard to that; all I can give you is the names of the different articles in our business—the prices I would have to go to the clerks to find out.

Q. And the discounts too? A. Oh, yes, sir.

Q. Where would they get the discounts from? A. They have them there.

Q. Where do they get them from? A. From the different manufacturers.

Q. Does it appear upon the price list? A. No, sir.

Q. Does it appear upon a special list of any kind? A. In some cases it is on the price list.

Q. What I want to know is how can I arrive at the amount of discounts that has been given you between the years 1890 to the present time on any particular class of goods or any goods; how will I arrive at the cost price of goods that you furnish to the county? A. I don't know how you will arrive at it.

Q. Well, how will you arrive at it? A. I have got no occasion to find out.

Q. What is that, Mr. Birkett? A. I say I have got no occasion to find out.

Q. Does your record show the invoices of what you received before you sent it to the county? A. From month to month we keep the invoices; they change, and then the discounts are thrown away, and

if they are carried forward they go right straight along until the change comes.

Q. Suppose you purchased a lot of earthen pipes or elbows, in 1891 or 1892, were they received at your place first, before they were sent to the county institutions? A. Sometimes and sometimes not, depending on how many were ordered.

Q. Were they billed to you by the manufacturer? A. Yes, sir.

Q. Did you enter them in your books? A. I should judge so; I can't say; I should judge they did; they are all entered.

Q. And also the cost price of them would enter into your books? A. We do a regular course of bookkeeping, double entry bookkeeping, we have regular double entry bookkeeping.

Q. You say you can not yourself arrive at the prices of these things? A. As soon as I ask, I can.

Q. Ask whom? A. The clerks in the office.

Q. Or the bookkeeper? A. Yes, sir; or the bookkeeper.

Q. So you can find out the cost price of these articles for the last 6 or 8 or 10 or 20 years? A. Possibly not; I say every month carries its own discounts.

Q. What do you mean by that? A. There is a change in the discounts; the discount is carried right straight through in that manner.

Q. You will have to give me a better explanation yet, Mr. Birkett? A. If you are buying iron pipe or earthen pipe to-day, the discount is 10 off; next month it may be only 5 off.

Q. But all that appears in your books? A. I should judge so.

Q. Why of course; so it is immaterial whether you buy earthen pipe in 1891, at a certain price, then that would show upon your books, and the particular price in 1895 would also show? A. I should judge so.

Q. So that the only reason why you can not tell what the price is to-day would be that you would have to inquire what the discount of to-day is? A. Yes, sir.

Q. But as to the past history of earthen pipe you could find out the cost for a certain month or year when you bought it ; isn't that so?

A. Yes, sir ; that is so.

Q. That is true, is it not, Mr. Birkett? A. Yes, sir ; that is true.

Q. Does the same testimony that you have given regarding earthen pipes and tees and elbows apply also to earthen Y's. A. The same thing.

Q. Well, can you tell why this particular difference appears on your bids in 1891 and 1892, and 1892 and 1893 on earthen Y's: a 4-inch Y you bid 5 cents for in 1891 ; a 6-inch Y, 90 cents ; an 8-inch Y, \$1.60 ; and a 12-inch Y, 5 cents ; in 1892 and 1893 you bid one-half a cent on the 4-inch Y ; 90 cents on the 6-inch Y ; 80 cents on the 8-inch Y, and one-half a cent on the 12-inch Y, making a very great difference upon all these individual items—can you tell the reason for that? A. It is on the same principle as I have already stated ; I have given you that answer on every item that you asked—on the pipe, on the elbows and on the tees.

Q. What answer was that—that you suspected none of it would be used? A. Yes, sir.

Q. I am not calling your attention particularly to the one-half cent prices, but I call your attention to this distinction of prices in 1891 and 1892, for instance, you charge \$1.60 each for the 8-inch Y's, while in 1892 and 1893 you only charge one-half of that or 80 cents for the same Y—now why was that? A. I can't tell you.

Q. Which was the fair price, the \$1.60 in 1891 and 1892 or the 80 cents in 1892 and 1893? A. The same answer as I gave you before.

Q. I forget that, Mr. Birkett, what is it? A. Whatever was there is the fair price.

Q. Did the price fluctuate from \$1.60 in 1891 and 1892 to 80 cents in 1892 and 1893? A. I guess it must have done so.

Q. Well, the price would not fluctuate on a particular size, would it? A. You are asking me something I have entirely forgotten about.

Q. The reason I am asking you is to refresh your recollection. A. You can not refresh my recollection because I don't know.

Q. But being a dealer for 28 years, you would know this? A. I have not been in business for 4 years or haven't paid any attention to it.

Q. I know, but I want to get particulars? A. You can't get them out of me, because I don't know.

Q. Well, I will try to, Mr. Birkett; what I want to get at is this: if an article manufactured of fired earth, as these earthen elbows and tees and Y's are manufactured—of a certain size, is worth the same price for two years, would an article manufactured of the same material, only of a larger size, fluctuate if the other does not; or wouldn't the fluctuation, if there is any, apply to all the articles manufactured of the same material? A. Well, it would look that way, wouldn't it?

Q. Does it look so to you? A. Yes, sir; it looks that way; yes, sir.

Q. So that if in 1891 and 1892 in each of those years you charged 90 cents for a 6-inch Y, what would be the reason of charging \$1.60 for an 8-inch Y in 1891 and 1892 and 80 cents for the same thing in 1892 and 1893? A. I couldn't give it to you; I don't know; I don't know what was the cause of it.

Q. Do you know whether this was one of the bids that you yourself made up or that Curtin made up? A. I never made up a bid myself.

Q. But you stated you helped make them up; do you mean to say that you even did not aid anybody in making up a bid? A. Did I say the other day that I helped to make up the bids?

Q. That is what you stated. A. I haven't made up a bid—you understand they might come to me and get prices or ask my opinion about it, but that is all the help I ever gave; so far as prices is concerned, I don't know anything at all about it.

Q. Do you know who made up the bids in 1891 and 1892, and in 1892 and 1893? A. Mr. Curtin and the clerks in the office.

Q. Well, was it Mr. Curtin, or Mr. Curtin with the aid of the clerks? A. With the aid of the clerks; Mr. Curtin had charge of that branch of it.

Q. Don't you know after Mr. Curtin, with the aid of the clerks, made up these bids, whether you looked over these bids before they were sent to the department? A. I don't think I was in town when those bids were made up.

Q. In none of the years? A. In none of the years.

Q. So that it was left to an irresponsible clerk? A. No, sir; not an irresponsible clerk.

Q. You stated to me, the other day, that you didn't hold Mr. Curtin responsible? A. The company holds him responsible—the company does.

Q. What is that? A. The company holds him responsible.

Q. You told me the other day, directly, that the company held you responsible? A. I made a mistake there in regards to that part in making that statement; the company holds every clerk in their employ responsible for their work.

Q. When you stated the other day, that they simply held you responsible, you were mistaken? A. Yes, sir.

Q. So that the company held Mr. Curtin responsible for the getting up of these schedules? A. Yes, sir.

Q. Do you know whether any officer of the company looked over the schedules or bids before they were sent into the department? A. I couldn't say.

Q. What was the character of the responsibility to which you held Mr. Curtin? A. Mr. Curtin had charge of all the finances of the institution, and the getting up of all the contracts; Mr. Hirsh, this ain't one in a thousand contracts that we have to make up in a year; we are figuring all day long on estimates for goods in different departments and different people, all through here in the State, in the city, and throughout the United States, and are sending out estimates all the whole blessed time.

Q. And is your company universally as good guessers as they were in these department bids? A. They are pretty good guessers.

Q. They are pretty good guessers? A. They are pretty well educated.

Q. Who does the guessing for the company since Mr. Curtin has left? A. I don't know—I guess I have to do the guessing since he left.

Q. You mentioned the name of Mr. Gallier; does he do any of the guessing? A. He does a good deal of it; yes, sir.

Q. Is there anybody else beside you and he? A. Yes, sir.

Q. Who else? A. What do you mean by guessing—is getting the facts guessing?

Q. Getting up the bids? A. Yes, sir; that ain't guessing though.

Q. That is not guessing? A. Oh, no; you put every item in that part in the category of guessing.

Q. Well, what do you call it? A. I didn't call it guessing.

Q. What do you call it? A. Figuring.

Q. What do you call it when you bid $\frac{1}{2}$ a cent apiece for an article that is worth \$1.50? A. Well, we guess then.

Q. That is what you call guessing? A. Yes, sir.

Q. Then you entirely agree with me? A. Not on the whole thing.

Q. The item I have just mentioned you guessed at? A. Yes, sir; it probably wouldn't be used.

Q. You are not aided in your guess by anybody? A. How do you mean?

Q. By getting information from anybody inquiring about the facts? A. No, sir; we have no means of doing that.

Q. Mr. Curtin has told me, Mr. Birkett, the other day that before putting these bids in and making them up he would make inquiries from various sources, he couldn't tell exactly where, about what might be used and what might not? A. He does that all the time.

Q. You mean that he did that? A. Yes, sir.

Q. Well then you would get some information from outsiders—from other people than yourself—as to what item might be used and what might not? A. Not in that form.

Q. Well, in what form? A. In regard to the prices; he has to send out to different houses.

Q. I asked Mr. Curtin, or he told me, that he made inquiries as to what articles might and might not be used; did you ever hear about that? A. He does that all the time.

Q. That is what you said? A. Yes, sir.

Q. Now do you know where he makes those inquiries or made them? A. No, sir.

Q. You never heard that? A. He is asking all the time about those things.

Q. Did he ask you whether they would use such an article? A. Whether I thought they would use such an article.

Q. Do you know where else he applied? A. No, sir.

Q. Do you know whether he applied to the department of the chief engineer? A. No, sir; I don't know anything about the chief engineer's department; if Mr. Curtin made arrangements of that kind he might have gone to the charities commissioners' office or something of that kind to find out; I don't know; if he did ask the engineer for anything of the kind it would be nothing only for business.

Q. You consider that to be perfectly legitimate to go and ask the chief engineer before you put in your bid: "Are you going to need such and such thing?" A. If he said so; yes, sir.

Q. Do you know whether such information was received? A. I don't think so.

Q. You don't know either one way or the other? A. No, sir; I don't know one way or another.

Q. But you know it was his business to go and seek all the information as to amount used and prices before putting in the bids? A. Yes, sir.

Q. That is what he was in your business for? A. Yes, sir; that is the business that he transacted.

Q. There was a peculiar item, Mr. Birkett, in one of your bids, and that was the item of park urinals; do you know what that is? A. I do not.

Q. Don't you deal in them? A. We deal in everything.

Q. Tea, coffee, park urinals and teas? A. Now, when you come to tea and coffee, you want to strike a line on vegetables; we don't deal in that article; but in hardware.

Q. But you said you dealt in everything? A. Yes, sir.

Q. You did not mean that then; you meant all kinds of hardwares? A. All kinds of engineer's and plumber's supplies.

Q. Now, you deal in park urinals then? A. Yes, sir.

Q. Do you know their value? A. No, sir.

Q. Did you ever know their value? A. No, sir.

Q. How would you arrive at their value? A. By sending over to the parties that made them to get their price on them.

Q. Who were the parties? A. Different parties—Mott makes them, I believe.

Q. I want to call your attention to that because that shows either some information from somebody or a most remarkable guess—I want to know from you what it was in the year 1889 and 1890—that was before you became a bidder? A. I don't know whether I was a bidder in that year or not.

Q. What is that, Mr. Birkett? A. I don't know whether I was a bidder in them years or not.

Q. No, sir—you were not a bidder then; in the year 1889 and 1890 park urinals, Mott's catalogue, were upon the schedule and the successful bidder, who was R. A. Robbins that year, bid \$125 each—would you consider that a fair price for those articles? A. I can't tell you—I don't know the price—I don't know the article.

Q. Can you get a price list of those, too? A. I don't know—we will try to.

Q. In the year 1890 and 1891 the successful bidder, who was Mr. Hanna—I assume you know him? A. I don't know him.

Q. What, don't you know him? A. No, sir.

Q. A remarkable man—he bid \$100 each in that year; in 1891 and 1892 you became the successful bidder and you bid 50 cents each. A. Quite a difference, wasn't it?

Q. The same item, the same language and the same article in each one of those years, Mr. Birkett—now, can you tell how it came that you reduced the price of park urinals considerably—from \$100 to 50 cents each? A. I can't tell you.

Q. You can't tell anything about it? A. No, sir.

Q. But you became even much more liberal even in the next year; the next year, namely, in the schedule of 1892 and 1893 you reduced that bid to 5 cents each—the same article; so that park urinals were reduced from 1889, when they were \$125 apiece, to 1890 and 1893, when they were 5 cents apiece—now, you have mentioned here, and no doubt truthfully, that various articles that you dealt in fluctuated year by year—was this one of the articles that fluctuated—from \$125 to 5 cents? A. I guess it must have been—I should think—I guess they must have been stocked up with park urinals, do you understand—my opinion is that they got stocked up and they ought to have needed none.

Q. You discovered and found out that they had them, and that you could put them in at such a price? A. That is the supposition; yes, sir.

Q. That is probable? A. That is the supposition; yes, sir.

Q. So as you were able to get such information—and you were able to get this—others, if they could have got the same information, could have done the same thing? A. I guess, if you look over the other parts of the bids that we bid on, or a list, you will find that somebody else had some information in the same manner; every single business-house in the city is doing that work; their agents are trying to find out all

about it, and if they can get it one cent or \$10 or \$100 lower, they put it in so as to get the work.

Q. You mean every business house is trying to take advantage of the others in trying to get business? A. Gaining knowledge.

Q. And gaining knowledge for the purpose of getting business? A. Yes, sir—certainly; that is business.

Q. So that you do not consider it anything out of the way in gaining knowledge in such a department as the department of charities and corrections so that you are able to arrange your bid and make it a successful bid by that knowledge? A. That is business.

Q. And you look at it purely from a business standpoint? A. We send out an agent.

Q. I don't know anything about that; do you consider it business on the part of the department which would permit such a thing to go on and make the person who could gain that knowledge have an advantage over those who could not gain it? A. I haven't said that; none of the department or employes has given that knowledge.

Q. If they did, would you consider it business on the part of the department? A. Well, I don't know about that; it wouldn't be business on the part of the department but it would be business on the part of the agent that was trying to get that knowledge.

Q. No doubt about it. A. That is business.

Q. Where a bid is permitted to be put in as you put in this bid—a class which permits you to bid on a \$100 article where 12 are bid for or asked for in the schedule, which would amount to \$1,200, and you put them in at 5 cents, which would make a difference of \$1,199.40 in the class, you would be able to charge a much larger price on some other articles in the same class and yet succeed as against the bidder who had not that information? A. I don't think that is in that bid.

Q. What is not in that bid? A. I don't think that is in that bid where the larger price is charged.

Q. Are you sure about it? A. I don't know.

Q. It is in that very class that you charged 90 cents each for the earthen elbows that a bidder in 1890 charged 37 cents for, and which could have been bought for 25 cents; don't you call that bidding a larger price. A. I should judge so; Mr. Hirsh, if they had called on me for everything on that schedule it would have been furnished and no questions asked; that is nothing to us in any way shape or form; whatever there was on that schedule if they wanted to call for them goods there would have been no questions and the goods would have been delivered at whatever prices there was stipulated on those articles,

Q. But they were not called for? A. That is not our fault.

Q. And the question is, that you received information— A. It ain't a fact that we received information.

Q. What is that. A. I was a little previous on that maybe.

Q. You received information, no matter how, by somebody, and when I speak of you I mean your corporation, or through your agent, that certain things would not be used, and therefore you could make such bids, and while you had to be ready to furnish park urinals at 5 cents each, you were quite certain you would not be asked to? A. I don't know anything about it; if they had called for them goods they would have been furnished; we don't make up the schedules we only put the prices on it.

Q. I know all about that? A. Then there is no use of my going in to it.

Q. Did you see this bid of 5 cents apiece for park urinals? A. I never saw the schedules.

Q. Then you don't know the idea of inserting them? A. No, sir.

Q. You don't know anything about the information the person had? A. No, sir; I don't know anything about it.

Q. Then you could only theorize on that subject as anybody else might; you don't know anything about the facts? A. It is just as you say; that is all I could do.

Q. But you are confronted by these schedules — not by a theory,

but a condition — and that condition is that you bid 5 cents; you offered to furnish for 5 cents an article that was worth at least \$100; and that you were not asked to furnish any? A. We would have to furnish them without a dollar.

Q. But you were not asked to? A. I don't know if they called for any or not.

Q. The stock ledger shows that? A. If they had called for them they would have got them.

Q. Do you mean to say if 12 park urinals, which would have cost you from \$80 to \$100 a piece, had been called for you would have sent them? A. Twelve park urinals, no matter what happened.

Q. You would not have gone and stated that this was a clerical error, as somebody else did? A. If we could have got out of it we would have, but I don't think for a moment that they would have allowed it.

Q. Did you ever hear of them letting contractors out? A. No, sir, I never heard of that thing.

Q. The testimony of Gott and Murphy was both to that effect, that certain bidders, when they had made clerical errors, that they let them out when they showed it was in good faith? A. I never heard that.

Q. If you had gone there and they had sent for park urinals at 5 cents a piece, and if you had stated that you personally knew nothing about it, and with your acquaintance with the department you might have been let out of your bid? A. I would have thought I was a pretty good fellow, understand, if they would let me off on that regard.

Q. But you notice it gives you an advantage in this class when you are able on one item alone to underbid a \$1,200 item by \$1,199.40 — that is pretty comfortable on one item in a class alone? A. I don't see how they could have let me out in any shape or manner.

Q. Just listen to me a moment, Mr. Birkett; that makes a pretty good bid for you, does it not, where you are able in one item alone to underbid a competitor—an item of \$1,200—to be able to underbid him

to the extent of \$1,199.40; you consider that a pretty good thing, don't you? A. I don't know anything about it.

Q. Were you a dealer in iron, Mr. Birkett? A. Yes, sir.

Q. Did you keep iron in stock or did you buy it when the order came? A. What kind of iron?

Q. Sheet iron, wrought iron, galvanized iron? A. Well, we bought it as we wanted it.

Q. You bought it as you wanted it? A. Yes, sir, at the market price at that time; sometimes it would go up and sometimes it would go down.

Q. Which was the most valuable iron in 1891 and 1892, do you recollect—sheet iron, or wrought iron, or galvanized iron? A. I couldn't say anything about that.

Q. What is it to-day—which is the most valuable? A. I couldn't tell you.

Q. Don't you know? A. No, sir; I couldn't tell you the price of it.

Q. I am not asking you the price—which is the most valuable? A. I couldn't tell you.

Q. Is there any one in your place that knows? A. Why certainly.

Q. Who would you refer me to that knows the value of iron to-day? A. To-day?

Q. Yes. A. Mr. Gallier will give it to you.

Q. And in 1891 and 1892, Mr. Curtin? A. Mr. Curtin would give you the prices; yes, sir.

Q. Have you any opinion at all as to the various values of iron—which is the most valuable, Russian, American, galvanized or wrought? A. Well, I should say Russian iron was the most valuable.

Q. Russian iron was the most valuable? A. Yes, sir.

Q. Do you know or have you any idea what the difference in the value is between Russian iron and the other kinds of iron—how much in price? A. No, sir.

Q. Don't you know whether it is a cent or two? A. I can't tell you anything about it, Mr. Hirsh.

Q. Do you know whether there was as much difference as $11\frac{1}{2}$ cents a pound in those different kinds of iron? A. I couldn't tell you anything about that, Mr. Hirsh.

Q. You couldn't even hazard a guess on it? A. No, sir.

Q. And yet this is material that you deal in constantly and have dealt in for 28 years? A. Yes, sir.

Q. Did you ever know the difference in the value of this iron, Mr. Birkett? A. Well, that is a kind of a question—why certainly I have; I can't tell you the difference between Russian iron—between Russian irons and the other irons; that Russian iron is dearest, that is all I can tell you.

Q. But did you ever know the difference in the value? A. No, sir; oh yes, sir; I knew the difference in the prices.

Q. You can tell whether the difference was large or small? A. I can't tell you.

Q. You have forgotten all about it? A. I have forgotten all about it; the markets have changed upon that, counsellor, on the iron you know.

Q. What I want to get from you is whether Russian iron was worth 50 cents a pound and American iron was worth a cent a pound, or whether the difference was simply two or three cents a pound? A. I couldn't tell you that.

Q. You couldn't tell whether Russian iron was 50 cents or 10 cents, or what was the difference? A. Yes, sir.

Q. Is that the answer that you would give if I was to come into your place to buy some? A. If you would come to my place I would take you right in to my clerk, because I don't know anything about it; they do not come to me to ask those questions; I am very seldom there.

Q. Where are you usually? A. I am out on the island just now.

Q. Yet you attend to business during the fall and winter and spring?

A. Yes, sir; sometimes; I go traveling a good deal—for business you know.

Q. Do you know what iron, bright, means in the schedule of 1891 and 1892? A. Iron, what is that?

Q. Iron, bright, number 0 to 6? A. I never heard said of it.

Q. Does it mean iron wire, bright, number 0 to 6? A. I couldn't tell you; have you got it there?

Q. Yes, sir; it is marked iron wire, bright, number 0 to 6; what is that? A. I guess that is number 6 wire; I don't know.

Q. Do you deal in that? A. Yes, sir.

Q. Do you have it in stock? A. No, sir.

Q. You buy it for those who want it? A. We buy it.

Q. Do you know whether number 0 to 6 is dearer than number 15 to 16? A. I can't tell you; I can't tell you that.

Q. You don't know anything about it? A. No, sir.

Q. What would your judgment be on that subject? A. I couldn't tell you anything about that part of the business because I don't know.

Q. Well, do you think that this was a fair market price of that in 1891 and 1892, for iron wire — A. I couldn't tell you

Q. Just listen a moment: for number 0 to 6, 6 cents a pound; number 7 to 9, 1 cent a pound; number 10 to 11, 1 cent a pound; number 12 to 13, 1 cent a pound; number 15 to 16, 6 cents a pound; do you know whether there was any difference in the same article by the pound in that year? A. I couldn't tell you.

Q. In 1892 and 1893 you bid in this wise: number 0 to 6, 10 cents a pound; number 7 to 9, 4 cents a pound; number 10 to 11, 12 to 13 and 15 to 16, $\frac{1}{2}$ cent a pound? A. I don't know anything about it, Mr. Hirsh.

Q. Well, do you know whether this iron wire, bright, had fluctuated in value that year? A. I don't know; I can't tell you anything about that.

Q. You don't know anything about it to-day, do you? A. No, sir; I don't know as we bought any of it; I don't know anything about it; there are a lot of things on there that they never called for.

Q. Never what? A. There is a lot of goods there, I believe, that they never have called for; they might not have called for any of that, I don't know.

Q. There are a lot of goods on there that never were called for from year to year, and which remained on the schedule; that is so, is it not? A. I can't tell you that; I never saw any of the schedules.

Q. You just made a remark that there were a lot of goods never called for; how do you know that? A. From the appearances there, that you have read from.

Q. Didn't you know it at the time? A. No, sir.

Q. You didn't know it? A. I knew what they generally wanted; I never knew what they called for though.

Q. Did you ever know the amount of your bid in a year, on that contract? A. No, sir.

Q. Did you ever know what your profits were in any one year, on the contract? A. No, sir.

Q. Did you ever know whether there were any losses on any contract in any one year? A. No, sir.

Q. You never knew anything about it? A. No, sir.

Q. Well, weren't you interested? A. Interested in regards to the profits?

Q. Yes, sir. A. Why, certainly.

Q. And you would have been interested in regard to the losses too, would you not? A. Yes, sir.

Q. How is it that you never inquired anything about it? A. This is all done when we take stock; stock is taken and the books are taken and the books are closed up and there is your profit or loss for the whole year; you don't go by individuals; it is too much work; I would have to have an army of clerks to do that.

Q. Do you mean to say you would have to have an army of clerks to determine how much you made or lost on your contract with the department? A. We could figure it up if necessary.

Q. But to your knowledge it has never been figured up? A. To my knowledge it has never been figured up; I never heard of it being figured up; I couldn't tell you.

Q. Do you deal in cast iron pipe too, Mr. Birkett? A. Yes, sir.

Q. Do you deal in it regularly or do you buy it for those who want it? A. We buy it.

Q. You do not keep that in stock? A. Yes, sir.

Q. It comes in long pipe 6, 4, 8 and 10 feet? A. It comes in 12-foot lengths.

Q. What is the value of that? A. Well, I can't tell you.

Q. Is the smaller size— A. I guess it is a price per pound.

Q. Is the smaller size the same value as the larger? A. Well, on the same principle we have explained before; the larger pipe must have cost the most money.

Q. But if it is sold by the pound, while the larger pipe would cost more; I want to know whether the pound is the same price for the larger as the smaller? A. The pipe are not all one thickness, Mr. Hirsh.

Q. They are not all one thickness? A. No, sir.

Q. But if sold by the pound it would be entirely immaterial, wouldn't it, whether it was 90 inches thick or 1 inch thick—the thicker it was the more pounds it would weigh? A. Yes sir.

Q. That is true, is it not? A. Yes, sir.

Q. Now, if it were sold by the pound as you say it was— A. I didn't say anything at all; I suppose it was sold by the pound.

Q. Didn't you say a moment ago it was sold by the pound? A. I should judge it was.

Q. If it was sold by the pound it would be immaterial whether it was 4 inches thick or 4 inches in diameter, or 20 inches thick or 20 inches in diameter—a pound would be a pound? A. Yes, sir.

Q. So that the price of a pipe sold by the pound would be the same thing no matter what its diameter or thickness? A. Yes, sir.

Q. Is that right, Mr. Birkett? A. Yes, sir.

Q. In your bid of 1891 and 1892 you bid as follows: Cast iron pipe, 4-inch, for water, 30 cents a foot; 6-inch, for water, 1 cent a foot, and 8-inch for water, 1 cent a foot; now, do you know the reason for that?

A. What is that 4-inch pipe?

Q. Four-inch pipe 30 cents, and the 6 and 8-inch pipe 1 cent? A. I don't know anything about that.

Q. Can you explain that character of bidding? A. I don't know anything about it.

Q. I know that is what you say. I want to know without knowing anything about it if you can explain it? A. No, sir.

Q. Now the same thing appears on the question of cast iron pipe for drains. You bid one-half a cent a foot for 2 and 3-inch; 20 cents a foot for 4-inch, and one cent a foot for the 5 and 6-inch. Can you explain that, Mr. Birkett? A. No, sir.

Q. Can you give any reason for the vast difference in that price? Will you kindly answer so that the stenographer can get your answer? He can not see you shake your head. A. No, sir. I shake my head for your benefit, Mr. Hirsh. I was thinking of something else.

Q. I don't want you to. I want you to think of my questions. A. Yes, sir. I know but I was trying to think of what you were thinking about and I was carrying it further, but I couldn't do it. I was going to ask you whose bid it is that you are looking at.

Q. These? Yours. A. Are they?

Q. Yes, sir. A. Our regular bids that we put in?

Q. Those are the schedules from the records of the department with the bidder's name on, with the amount asked for and the price bid, and the price asked for, which show by our memorandum from the stock ledger? A. They are the original bids?

Q. Oh, yes; these are the originals. Are you of the opinion that

I am reading anything but that is correct, Mr. Birkett? A. Well, I wanted to know whether it was our original bids?

Q. Yes, sir; it is taken directly from the original bids. The original bid is not in existence. These were bids that were taken from the — A. Our original bids are not in existence?

Q. No, sir. Have you got it? A. I have got copies of it.

Q. You have got copies of that bid? A. Yes, sir.

Q. Well, the bids are not in existence? A. I don't know of any reason why not.

Q. These are schedules made up from the bids and requisitions. These are the figures that you bid unless you say they are not. and if you say that I want you to produce your copy? A. I don't know anything about it. I don't know whether it was our bid or not.

Q. No; these are our memorandums made from the records of the department? A. Yes, sir.

Q. You have no way of explaining these differences in these things? A. I have no way; no, sir.

Q. Now, I have called your attention to the item of cast iron pipe, and I want your attention again, Mr. Birkett, because it shows a grave peculiarity. You notice that in 1891 and 1892 you bid 30 cents for the 4-inch and 1 cent for the 6 and 8-inch pipe for water. In 1892 and 1893 you bid 45 cents for the 2-inch and 25 cents for the 6-inch and one-quarter of a cent for the 8-inch. Now, can you explain any reason for that vast difference in those years? A. I guess they didn't want to use any.

Q. And you had some information, or somebody in your employ who made up the bids? A. Well, I can't tell you in regard to that myself.

Q. What is that? A. I can't tell you in regard to that. I could tell you that myself.

Q. How? A. From my own knowledge. I was to work there at the time that schedule was made out I suppose.

Q. That is in 1892 and 1893? A. That is in 1892 and 1893.

Q. But, Mr. Birkett, if you knew that as you say, you could tell it yourself? A. Yes, sir.

Q. Why you put in a very high price for an article that you knew wouldn't be used? A. I didn't say that.

Q. You put in a low price? A. Yes, sir.

Q. If you put in a quarter of a cent for an article that would not be used why did you put in such a high price for an article that would be used? A. I didn't put it in. They might ask me if such and such pipe is going to be used. "No : I don't know where they are going to put it," and under that supposition they might have made it up.

Q. Why, would they put in a high price for a similar article, that a great deal would be used? A. Yes, sir.

Q. So that you would take advantage of your knowledge of the article that would not be used and balance it by your knowledge of an article that would be used? A. You have got it right.

Q. And it was immaterial to you, or to your corporation, Mr. Birkett, looking at it from a purely business standpoint where this knowledge came from, whether it was among its officers or employes, or whether it was obtained outside. Business was business and as long as you could get the information that would make you a successful bidder that was information you utilized? A. Always. They are all working in that way.

Q. Yes. Did you ever deal in sheet rubber? A. Yes, sir ; all the time. We have got it in stock.

Q. You have got it in stock now? A. Yes, sir.

Q. What is it used for, Mr. Birkett? A. Making joints, putting in between flanges ; the bolt screws it up and that makes it tight.

Q. And it is sold in sheets? A. It is sold by the pound — I don't know whether it is by the sheet or pound.

Q. It is sold by the pound or yard? A. It is sold by the yard or anyway you want to buy it.

Q. How do you usually sell it? A. I can't tell you how we usually sell it now. We used to sell it by the pound.

Q. In 1891 and 1892 you bid by the pound or yard? A. It was called for by the yard.

Q. Yes, sir; they called for it by the yard? A. Then they bid on it by the yard. We had no other alternative.

Q. Is there any difference in the size of sheet rubber when you sell it by the yard? A. Yes, sir.

Q. What is the difference in the value? A. I couldn't tell you what the difference in the value is to-day.

Q. Does 1 1-16 inch rubber cost more than 1-8 inch rubber? A. Well, I don't know. It just depends on what kind of rubber it is.

Q. It is simply called sheet rubber, the kind that you bid on? A. I don't know anything about it.

Q. Which is the most expensive, the 1 1-16, the 1-8 or the 1-4-inch sheet rubber? A. I couldn't tell you.

Q. What has this reference to, this 1 1-16 inch — thickness? A. Yes, sir.

Q. So if it is sold by the yard, the thicker the rubber the more expensive? A. Not necessarily. It would be if it was all one grade of rubber. Is that all one grade of rubber?

Q. I can only tell you the language of the schedule, and the language of the schedule is the same on all the items. A. I don't know the grade of the rubber.

Q. What would you say whether this was the same grade on all these rubber items? Would you say it was the same grade? A. I couldn't tell you.

Q. How would you bid if you couldn't tell? A. We must have had information if we bid.

Q. It does not say as per sample. It says rubber of a certain thickness? A. Yes, sir.

Q. And if you could bid—I want to know whether the 1 1-16 rubber is the most expensive? A. The $\frac{1}{4}$ -inch rubber is the most expensive.

Q. The $\frac{1}{4}$ -inch is the most expensive? A. Yes, sir.

Q. How does it come, Mr. Birkett, that you charge these prices for the $\frac{1}{8}$ -inch rubber? A. I don't know anything about it. There is very little of that kind used.

Q. You figured that they would use very little of that? A. I didn't figure it.

Q. Well, your corporation did? A. The $\frac{1}{4}$ -inch rubber is very seldom used. Hardly any of it is used.

Q. And do you see any reason why it should be advertised for? A. No, sir.

Q. And you could buy on an emergency what little was needed? A. A very little of it would go a good ways.

Q. Then this was another item which was practically in the interest of the contractor who knew that there would be very little of it used. A. Anybody could tell that. You wouldn't want very much information in regard to that fact.

Q. In 1892 and 1893 you raised the price of $\frac{1}{8}$ -inch rubber to \$4 and you reduced the price of $\frac{1}{4}$ -inch rubber to 2 cents. That was also with the same knowledge of course? A. Yes, sir.

Q. And was it with the same knowledge that the price of the $\frac{1}{8}$ -inch rubber was increased? A. The same knowledge. I should judge that is what it was done for.

Q. That is what it was done for? A. The same knowledge. There is more 1-16 and all the small sheet rubbers, there has been more of them used than there has of the others.

Q. I think you told me that the chief of the department could have had at least as much knowledge as you did about which could or could not, or would or would not, be used during the year? A. Yes, sir. I should judge he would.

Q. His experience would go back for all the years? A. Yes, sir.

Q. As to what particular items would be needed? A. Yes, sir; he has men I suppose who get up the schedule. I don't know. I should judge so.

Q. Were you ever consulted by anybody in the getting up of the schedules? A. Never.

Q. Was anybody in your employ ever consulted about it? A. I couldn't say anything about it. I don't know anything about it. I don't think so because I never heard it stated.

Q. You don't know whether a suggestion came to the chief engineer or from him about inserting items on these schedules, which, like those mentioned, would have been of advantage to the contractor who gained that knowledge? A. The same things ran year after year. Is there anything new on that schedule?

Q. Some of them are quite new. A. This year?

Q. I am not speaking of this year at all. I am speaking of from 1890 to 1894, when you were the bidder? A. I don't know anything about it.

Q. Are you a dealer in couplings, right and left couplings? A. That is all in iron pipe fitting. Them is fittings for iron pipe.

Q. Do you know whether couplings, the larger size are more valuable, when sold by the dozen, than the smaller size? A. When sold by the dozen—the larger size is the size that is more the costly.

Q. What is that? A. The larger size is the size that is the more costly.

Q. The more costly? A. Yes sir.

Q. In 1891 and 1892 you charged \$1.20 for a 1-inch coupling and 20 cents for 2 1-2-inch couplings? A. How much was that difference—\$1?

Q. Yes; that is, the smaller size was \$1 higher than the larger size. A. Yes, sir; I don't know. Those are things, understand, that there are very little of them used.

Q. And in 1892 and 1893 you charged 50 cents for 1-2-inch coupling; 55 cents for the 3-4-inch coupling, 66 cents for the 1-inch coupling; 70 cents for the 1 1-4 inch coupling, and \$1 for the 1 1-2-inch coupling, and 2 cents for the 2-inch and the 2 1-2-inch coupling. Was that also done in the same line as you have stated, that you believed none of the larger size would be

used? A. There are so very few of them used. I don't suppose they had \$10 worth of the whole business into the whole thing — I don't suppose they did, in all their schedules. That is in the orders coming in from the department I don't think during the entire year they had over \$10 worth of the whole stock.

Q. In making this bid of 2 cents each you had in your mind then that none or very few of them would be called for? A. Very few if any of them would be called for.

Q. You must have supposed that less of the larger size would be called for than the smaller because you charged 2 cents for the larger, the 2 inch and the 2 1-2-inch? A. What kind of a size did you say?

Q. The 2 1-2-inch you charged 2 cents for? A. The next size to it.

Q. The 2 and 2 1-2-inch you charged 2 cents a dozen for? A. I don't think they have got any 2 1-2 inch pipe in their place.

Q. But they are on the schedule? A. I don't know anything about it. I didn't make the schedule.

Q. For the 2-inch pipe you charged the same price, 2 cents a dozen? A. There is plenty of 2-inch but no 2 1-2-inch.

Q. I want you to explain, Mr. Birkett, if you can, the reason for the difference. You charge for the 1 1-2-inch \$1 and for the 2-inch pipe 2 cents a dozen. What is the difference? A. I couldn't tell you.

Q. Well, was that caused by your knowledge or belief that none would be called for? A. I don't think any of them would be called for.

Q. Will you kindly answer my question? A. Yes, sir; it is on the same principal.

Q. But where you believe some would be called for you charged what you thought would be the fair price? A. Yes, sir.

Q. What are tees, Mr. Birkett? A. Three way opening.

Q. What is that? A. Three way opening.

Q. That is in the shape of a cross? A. A cross would come out here (witness indicating). It has got an opening through here and one there.

Q. It is the shape of a letter T with an opening to each end? A. A through opening running through here and a side outlet here (witness indicating).

Q. And the openings are all one into the other? A. It is a through opening. This opening runs into that one.

Q. That does not get it upon the minutes, Mr. Birkett. A tee is a piece of pipe in a shape of a letter T with a vertical opening and a horizontal opening, and all three openings opening into each other. Is that right? A. Yes, sir. That is right, and all opening into one another.

Q. What are they like? A. Cast iron.

Q. Are they sold by the pound or the dozen? A. What does it call for on the schedule?

Q. It simply says tees, and runs from a quarter of an inch— A. What does it say by the pound or piece or dozen?

Q. And you bid by the dozen? A. They must be cast iron.

Q. Are the smaller a less price by the dozen than the larger? A. The larger; it is on the same principle that I told you before.

Q. The larger is the most costly? A. The larger is the most costly.

Q. Now, these tees run all the way from 1-4 of an inch to 12 inches? A. Yes, sir.

Q. And of course the 12 inch is much higher priced than the 1-4-inch? A. On the same question all the way through as your pipe.

Q. Can you tell me why it was that you charged \$1 a dozen for the 12-inch and \$2 a dozen for the 2-inch? A. The same question and answer that I gave you before.

Q. That you surmised that none of the 12-inch would be called for? A. Yes, sir.

Q. But when you charged \$65 a dozen for the 10-inch you surmised something would be called for? A. Yes, sir.

Q. What was the fair price, \$65 for the 10-inch a dozen, or \$1 for the 12-inch? A. Sixty-five dollars.

Q. Do you know what the market price of it was at that time? A. No, sir. I can't tell you.

Q. Do you know what the ordinary difference in value was between these particular items? How much was the difference between the 2 and 3, and the 3 and 4 and so forth? A. couldn't tell you the prices.

Q. You don't know anything about it? A. No, sir.

Q. You keep these in stock, don't you? A. Yes, sir.

Q. And you don't know the difference in value? A. No, sir. I know the names of them.

Q. You know the names of them? A. Oh, yes, sir. I know what they are, but I don't know the prices.

Q. And the same thing applies to the question of elbows? A. The same question. The tees and elbows go all the way through, if you want to save a little time, it applies all the way through.

Q. We wont save much time if you keep on making speeches, Mr. Birkett. The elbows show exactly the same situation, namely, that the 12-inch elbow you charge \$1 for, while the 10-inch elbow you charge 60 cents a dozen for. Now, there never was any such difference in the price, was there, Mr. Birkett. That is not the ordinary market business difference, is it? A. I have already answered that question, Mr. Hirsh in regards to that part of it.

Q. If you will answer me again Mr. Birkett? A. I have answered that I think as you have asked me a half a dozen different times.

Q. Well, I am asking you the seventh time still differently whether or not this is the normal market business difference between a 10-inch elbow, cast iron, and a 12-inch elbow? A. I have already stated to you that I don't know. I gave you the answer, understand, that I said —

Q. You don't mean that, and if you will listen to me you will say so. We will get along easily if you will only listen to me. A. I want to get along as speedily as we can.

Q. What is that, Mr. Birkett? A. I say I want to get along as speedily as we can.

Q. If you keep on making speeches and not answering questions we will not get on very fast I am afraid. The 10-inch cast iron elbow you bid 60 cents a dozen for, and the 12-inch cast iron elbow \$1 a dozen for. Now, I want to know whether that is the normal difference between the 10 and 12-inch elbow? A. It is not.

Q. That was easily answered, but the \$1 price on the 12-inch was put in on the assumption that it would not be called for? A. That it would not be called for.

Q. And you can not tell whether you formed that opinion from your own knowledge or from information suggesting it? A. I guess that came from my own knowledge. I guess he got that information from me. He was almost as thoroughly conversant with it as I was.

Q. What are nipples? A. Short pieces of pipe with threads on both ends of it.

Q. Used for the connecting of other pipe? A. It is these short pieces of pipe, different lengths — different lengths of pipe, say for instance from 1 1-2 inches long, with threads on both ends — you can't have it on larger pipe — we will take it from an 1 1-2 inch long. You have a thread on this end and on that. They go up from this end as far as you want it. Anything below 12 inches is called a nipple.

Q. What is the normal size used? A. They are all used.

Q. What is their value? A. All the one price.

Q. All one price? A. The lengths are all one price unless it is a close nipple. A close nipple is charged more for than what a long one is.

Q. You don't mean that a 2½-inch nipple is worth as much as a 12-inch nipple by the dozen? A. No, sir; not by a long shot.

Q. There is a difference in the price as they increase in size, A. Certainly.

Q. When you charged in 1891 and 1892 \$16 a dozen for the 8-inch and \$25 a dozen for the 10-inch and 10 cents a dozen for the 12-inch you did the thing as you did in the other bids? A. Yes, sir.

Q. You surmised none of the 12-inch would be used? A. Yes, sir.

Q. And were the other figures fair market prices, do you know? A. I only give you that understand as I judge so.

Q. You have no recollection about it you say? A. No, sir. I don't know anything about it at all, one way or another.

Q. Can you state, Mr. Birkett, how it came about that while in 1891 and 1892 you charged \$16 for the 8-inch nipples, \$25 for the 10 inch nipples and 10 cents for the 12-inch nipples, in 1892 and 1893 you charged \$12 for the 8-inch, \$24 for the 10-inch and \$20 for the 12-inch. What caused you to raise the price on the 12-inch in 1892 and 1893? A. I couldn't tell you. That may be an error, because there is not so many of them used that it don't amount to anything.

Q. What is that? A. There ain't many of them used—not on the large sizes. I don't think they got one.

Q. But the change was made obviously on the assumption that some of them would be used? A. Well, if they wanted any 12-inch I don't know, I think it is an error.

Q. You think it is an error in 1892 and 1893—that \$20? A. I can't tell you anything at all about it, Mr. Hirsh. It looks so.

Q. What are plugs? A. To screw into a tee or a piece of pipe to stop it up—to stop the hole up.

Q. In 1891 and 1892 you bid \$13 for the 8-inch plugs—\$13 a dozen? A. Yes, sir.

Q. Seventeen dollars for the 10-inch and 10 cents a dozen for the 12-inch; was that on the same principal as you referred to in the cast iron pipe? A. Yes, sir.

Q. And upon the assumption that none would be called for? A. Just exactly; I tell you we don't make up the schedule; we figure as we believe it our best interest to figure.

Q. That same thing would apply to the elbows and the bushings, the same thing, Mr. Birkett? A. Yes, sir; elbows, nipples, tees, bushings and everything.

Q. Was the steam pipe, Morris & Tasker's, a staple article, well known in the market? A. What does it say there?

Q. It simply says, steam pipe $\frac{1}{4}$ -inch, Morris & Tasker's or equal? A. Yes, sir.

Q. Was that a staple article? A. Yes, sir.

Q. And well known in the market? A. Yes, sir.

Q. Do you deal in it? A. Yes, sir.

Q. Do you deal in it now? A. Yes, sir.

Q. Does that also go on the principal, that the larger the size the greater the value? A. Yes, sir.

Q. Well, you charged for the very largest size of that steam pipe, for the 8, 10 and 12-inch, 4 and 5 cents a foot, while for the 3 and 4-inch, 45 and 50 cents a foot? A. Yes, sir.

Q. That is to say, you believed some of that size would be used? A. Yes, sir.

Q. But you supposed some of the 3 and 4-inch would be used? A. Yes, sir.

Q. Do you know what you based your belief on, Mr. Birkett? A. Not now; I couldn't tell you — probably from observation.

Q. What is that? A. I say from observation.

Q. Observation or information? A. Well, either one — it was not information with me, because I had no information.

Q. Information by anyone in your employ? A. Yes, sir.

Q. Now, galvanized iron pipe, you would say the same thing as to that; the larger the size the higher the figure? A. The same thing with that whole schedule, the same thing.

Q. Did you ever look at the bid of any of your competitors? A. No, sir; I never did.

Q. You never did? A. No, sir; I never looked at one of them until the other day, when part of them appeared in the newspapers.

Q. Did Mr. Gott or Mr. Murphy ever talk to you about your peculiar bidding? A. No, sir.

Q. Never? A. They never saw me at all.

Q. Mr. Gott testified, and so did Mr. Murphy, that the first year you became a bidder they threw out your bid because of these peculiarities; did you ever hear of that before? A. This is the first.

Q. And the second year they sent for you, and that your son — either your son or Mr. Curtin, they couldn't tell which, and they told your son, or Mr. Curtin about it, and asked whether they would stand by this bid, and they said they would? A. It may have been done by themselves; it might be so; they might have thrown out my bid, but it was not for that that they threw it out.

Q. That is what they testified—because of these peculiarities here? A. Yes, sir.

Q. And then they sent to you because they thought you had made a mistake? A. I don't know anything about it.

Q. You do not consider any of these items mistakes at all? A. I don't know anything about it; as I told you, I never saw that at all; it was done while I was away.

Q. We have had a good many contractors on the stand, Mr. Birkett, and the contractors have testified a little differently from yourself; they testified that these peculiar variations were merely coincidences; you don't consider them coincidences; you consider that they were based on the fact that you understood what the needs of the department were, or the information of parties in your employ as to what the needs of the department might be; that is so, is it not? A. Yes, sir.

Q. And so these bids were made with your corporation with the intent to stand by them? A. Yes, sir.

Q. And when Mr. Murphy and Mr. Gott testified, when they questioned you or your son or Mr. Curtin about them, whether they were mistakes, and they said, "No; we are willing to stand by them," they were right? A. Yes, sir; I don't see how there could be an error in a bid of that kind.

Q. You don't see what? A. I don't see how they will make an error onto a bid; you can't take it off.

Q. You and I won't enter into a discussion of the ephics of the manner of carrying on the department of charities and corrections under Gott, Nolan and Murphy; what are rubber gaskets, Mr. Birkett? A. They are man-holes and hand-holes and plates to go on the boiler.

Q. Usually from 1 inch to 11 inches? A. No, sir; they are made all sizes; they have them different sizes; they go around a plate that holds the hand-holes; you have seen these little clawfoots of a boiler?

Q. Yes. A. The washer goes in there.

Q. That washer is called a gasket? A. Yes, sir.

Q. Do you know what they are worth? A. No, sir; I don't.

Q. Do you keep them in stock? A. Yes, sir.

Q. Do you keep them in stock now? A. Yes, sir.

Q. The 8-inch gasket is worth less than the 11-inch, I take it, is it? A. I don't know.

Q. You are becoming a little guarded on that question, Mr. Birkett? A. I will tell you honestly, understand, if you will let me understand what kind of a gasket this is and whose make it is.

Q. This is an item as it appears on the schedule: rubber gaskets, 8-inch diameter as per sample; rubber gasket, 11, 12 and 15-inch as per sample—both being the same quality, what would be the difference in the value? A. The larger size would be the most costly.

Q. Would the difference between the 8 and 11 be a large difference, do you know? A. No, sir; I couldn't give you the first idea, Mr. Counselor.

Q. Do you think there would be a difference of as much as between 1 and 15 between them? A. I couldn't give you any idea in regard to that.

Q. You couldn't even hazard a guess on that? A. No, sir; I couldn't guess on it.

Q. You are a pretty good guesser on other things? A. I should think so; your memory is better than mine.

Q. I am not finding fault with my memory; I am finding fault with yours; were you a dealer, or had you any in stock—any leather belting? A. Yes, sir; keep it in stock all the time.

Q. Various sizes? A. Yes, sir; all sizes.

Q. Well, is that an item that fluctuates largely, Mr. Birkett? A. Yes, sir; I should judge so; that runs way up.

Q. That runs way up? A. Yes, sir.

Q. Leather belting has gone up lately, has it not? A. I couldn't tell you that, but I should judge so from the way I see and hear in the newspapers that —— has been buying up hides lately.

Q. How is it used—double ply, single ply or triple ply—is it bought that way? A. Yes, sir.

Q. Which is the dearest? A. The more ply you have on to it the more it costs.

Q. Can you tell how it was that you charged 40 cents a foot for double ply and 2 cents a foot for triple ply? A. Two cents a foot?

Q. Yes, sir? A. No, sir, that is news to me.

Q. That is news to you? A. Yes, sir; for the same cause I suppose as the others.

Q. That is upon the same principle that you knew or believed it would be called for? A. Yes, sir; the same base; they had no place to put it and could not use it.

Q. What was the fair value of double ply belting; how much a foot? A. No, sir; I couldn't tell you about the price of it.

Q. Your position, I take it from what you say in your business, is

largely ornamental now, is it not? A. It has been so for a number of years—ornamental; I take and travel and do the same as a salesman does—bring in the orders.

Q. And get some information? A. Oh, I am always looking for information, Mr. Hirsh.

Q. And make use of it for the best interests of the corporation? A. Yes, sir.

Q. Did you ever pay anything for that information? A. May go and get a drink and a cigar.

Q. Nothing more than that? A. No, sir.

Q. Did you ever know that Mr. Curtin paid for information? A. Mr. Curtin never paid for a drink.

Q. How do you know it? A. He don't drink himself, and I know he never does.

Q. How do you know that he don't otherwise? A. He wouldn't do anything of the kind; you couldn't get him to do it;

Q. And he was not authorized to do it? A. No, sir.

Q. The information of the character that has been suggested in this investigation might have been very valuable at times, might it not?

A. Excuse me, I didn't catch your question.

Q. Information of the character that has been suggested by this investigation might have been of great value at times, might it not? A. I don't think I understand you quite.

Q. Well, for instance, if you, or your corporation rather, was informed that park urinals would not be called for, taking that as an instance? A. Yes, sir.

Q. And all the other bidders did not know anything about it and had to go by the schedules, that information would be of value? A. Yes, sir.

Q. For any such information, would anybody have authority to pay? A. No, sir.

Q. As a matter of fact were such payments ever made? A. They

have the same chance to do business as I have ; if they don't take the chance I can't help it.

Q. They might not have had the influence that you had? A. I have no influence at all ; when you come to talk influence in regard to that, there is no influence there at all.

Q. Do you mean to say that your friendship or acquaintance with any of the officials in that department during the years that you have known them, would not amount to influence? A. My acquaintance, understand, has been very limited with anybody connected with that department.

Q. You knew Mr. McLaughlin? A. Mr. McLaughlin?

Q. The storekeeper, William H. McLaughlin? A. Yes, sir ; I knew him in the Assembly.

Q. You knew him when he became storekeeper? A. Yes, sir.

Q. You were well acquainted with him? A. Just the same as I am with you, Mr. McLaughlin.

Q. Were you in the Senate when McLaughlin was in the Assembly? A. No, sir ; it was the year after he went out.

Q. You were in the Senate the year after he went out? A. Yes, sir.

Q. How did you become acquainted with him when he was in the Assembly? A. He was from our ward ; he was the Assemblyman from the ward I lived in at that time.

Q. And that was the Fourth ward? A. Yes, sir ; that was the Fourth ward.

Q. And you have known him for some time? A. Yes, sir ; a good many years.

Q. Intimately? A. Only casually.

Q. Just as you know me? A. Just as I know you.

Q. You never visited him? A. I never visited him.

Q. And he didn't visit you? A. No, sir.

Q. You didn't send him any message? A. No, sir.

Q. Or he you? A. No, sir.

Q. Or have you corresponded? A. Mr. Curtin and him have corresponded over the phone in regard to goods that he wanted sent down.

Q. Were ever any of your goods returned or rejected? A. I don't think there ever was any of our goods rejected; they may possibly have been.

Q. Do you know where McLaughlin lives? A. No, sir.

Q. Do you know where he did live when he was an assemblyman?
A. He lived in Lawrence street.

Q. Do you know where he lived when he became storekeeper? A. I don't know.

Q. Do you know whether ever anybody belonging to your corporation or known to you by the influence of the corporation or yourself or any of its clerks ever made any present to McLaughlin? A. No, sir.

Q. Or to Mr. McCanna? A. No, sir.

Q. Do the clerks in the employ of your corporation turn in a bill for expenses—items for expenses? A. Yes, sir.

Q. Mr. Curtin did that? A. Mr. Curtin had charge of all the financial part of the business—yes, sir.

Q. What do you mean by that—spent what he pleased? A. He made a statement.

Q. Spent what he pleased? A. I signed the checks and left the checks for him; the bills had to correspond with those checks when I came back—what he paid out.

Q. You mean to say that you left a check signed in blank? A. Yes, sir; the treasurer—I countersigned it; I signed the checks when I was going away, and the treasurer—when the checks were ready to be made out the treasurer signed them.

Q. And they were signed in blank by you? A. They were countersigned.

Q. They were not filled in as to payee and amount—that is what I mean? A. No, sir.

Q. You left word, or the business was conducted in such a way that a bill amounting to the same amount as the check was filled in for, was shown to you when you returned? A. That is—a statement.

Q. A bill or statement? A. Yes, sir.

Q. But suppose any of your clerks had disbursements—how would they get paid for those? A. Mr. Curtin would attend to that part of the business.

Q. Who? A. Any disbursements—what do you mean?

Q. Well, what do you mean? A. I mean car fare and ferryage.

Q. How would they get those back? A. By putting in their list.

Q. So that when their salary was paid they would hand them the memorandum of so much for disbursements and it would be paid them? A. I guess not; we would want to find out where they were made.

Q. Well, after they were investigated he would get his pay? A. Yes, sir.

Q. Were ever disbursements handed in by Curtin for other than car fare and ferriage? A. Not that I know of; no, sir.

Q. Will you state positively about that? A. I will not state positively.

Q. How did the other members of that corporation hand in their disbursements; or were there no other members; who were the active members of the corporation besides yourself? A. The secretary and the treasurer.

Q. Who were they? A. Members of the concern; do you want their names?

Q. Yes, sir; who were they? A. John Birkett and William Birkett.

Q. Both your sons? A. Yes, sir.

Q. Those were the active members of the corporation? A. Yes, sir.

Q. Those three? A. Yes, sir.

Q. Then practically, for all practical purposes, it was a Birkett corporation? A. It was the J. W. Birkett Manufacturing Company.

Q. But it was a Birkett corporation in the control and management as represented by its officers? A. Yes, sir.

Q. And did the other two Birketts represent you and your instructions there when you were away? A. They have to attend to different parts of the business.

Q. Did they abide by your instructions or did they act independently of you? A. No, sir; it was as a company.

Q. What is that? A. I can't understand what you are driving at—for me to give you a straight answer; all corporations —

Q. Pardon me; perhaps I may know at least as much about corporations as you do? A. I guess you do.

Q. I want to know how it was carried on? A. The same as other corporations.

Q. I don't want a glittering generality; I want a fact; is it not a fact that the two sons of J. W. Birkett, who acted as secretary and treasurer of the corporation of the J. W. Birkett Manufacturing Company, practically and actually simply did as their father told them to?

A. In some cases; yes, sir.

Q. Was it not so in all cases? A. No, sir.

Q. Was it not so in all cases where the father was present? A. No, sir.

Q. Then do you mean to say that they did act independently? A. In some cases; yes, sir; I was not there to be consulted in regard to that; if I was there they would go in and ask my opinion about it, and then they would use their own judgment in regard to it; they are 21 years of age and men of family, and have been brought up to business.

Q. Are they as well posted on business as you are, Mr. Birkett? A. I should think so.

Q. Do they know anything more about the values than you do, or is that all left to the clerks? A. They are not all in the office part; one attends to the outside workings.

Q. Who attends to the outside workings? A. John.

Q. And what do you mean by the outside workings? A. Well, different work is going on.

Q. Where you are under contract to do certain work John is outside looking after that? A. Yes, sir.

Q. And the other one acts as treasurer? A. John is treasurer.

Q. And the other one is secretary and is inside of the office? A. No, sir; he is outside; he attends to the wholesale department.

Q. Outside of the office? A. Outside of the office; the shipping department, the wholesale department.

Q. He is in the store or in the shop? A. Yes, sir; he is in the stock.

Q. Yes, sir; so that the secretary would know with reference to the stock of various articles on hand and the various values and so forth? A. Yes, sir; I should judge he would, but not so much as the bookkeeper.

Q. Who is the bookkeeper now—Gallier? A. Yes, sir.

Q. Gallier is the bookkeeper? A. Yes, sir.

Q. And did Gallier succeed Curtin? A. Yes, sir.

Q. And in the same position? A. No, sir; not in the same position.

Q. What was Curtin with you? A. He had charge of all my financial business and also my private business.

Q. What do you mean by having charge of all your financial part—the collection of bills? A. Yes, sir.

Q. The paying of bills? A. Yes, sir.

Q. The making of contracts? A. Yes, sir.

Q. The banking of money? A. Yes, sir.

Q. And the drawing of money from the bank? A. Yes, sir.

Q. After the checks were signed by you? A. Yes, sir.

Q. He had no power to draw checks? A. No, sir.

Q. What does your present bookkeeper, Gallier, do? A. He figures on work.

Q. Has he anything to do with the finances? A. He attends to all the financial part, but he don't—he makes out the checks and I sign them—practically about the same as what Mr. Curtin did.

Q. Who signs the checks when you are absent and traveling about? A. Nobody.

Q. The checks are made and drawn during that time? A. I leave a check countersigned; the check has to be signed by the treasurer and countersigned by the president.

Q. Then you leave the checks countersigned? A. Yes, sir.

Q. And then when they are needed, your son, as treasurer, signs them? A. Yes, sir.

Q. Now, as to this leather belting again, Mr. Birkett; do you know whether there was in fact any fluctuation in leather belting between the years 1891 and 1892? A. I can't tell you anything about it.

Q. Is there any leather belting that you know of in the market that is only worth 1 cent a yard? A. I couldn't tell you.

Q. Or 1 cent a foot? A. I couldn't say.

Q. Well, is there as big a difference as from 1 cent to \$1.50? A. On the same principle I answer that question as I did the others; that comes under the same principal as the iron pipe.

Q. That if there was a price made by you in the schedules, as there appears to have been, it was done on the assumption that none of it would be used? A. Yes, sir; correct, and if it was used or called for we would furnish it.

Q. What is belt lacing — the lacing used for putting belts together end to end? A. Yes, sir.

Q. Is there a vast difference in that particular article? A. I couldn't tell you; between that and leather belting I should say there would be.

Q. No; but is there a vast difference in that article of itself, between the price of it to-day and the price of it to-morrow? A. I couldn't tell you.

Q. What are lap-welded iron tube, do you know Mr. Birkett? A.

I guess so ; they are pipe-formed and lapped over and welded ; some are butt-welded and some are lap-welded.

Q. Lap-welded iron tubes, 3-inch, 16 feet 5 inches long, Morris & Tasker make or equal to it, what are they? A. Boiler tubes I guess.

Q. Boiler tubes? A. Does it say so?

Q. No. A. I should judge that is what it was.

Q. Do you know how much they are worth a foot? A. No, sir.

Q. You deal in them now? A. Yes, sir.

Q. Haven't you any idea how much they are worth? A. No, sir.

Q. In 1891 and 1892 you bid 31 cents a foot for the 3-inch and 30 cents a foot for the 4-inch ; in 1892 and 1893 you bid 42 cents for the 3-inch and $\frac{1}{2}$ a cent for the 4-inch ; do you know whether in the meantime information was given you or a hint given you that none of the 4-inch would be used? A. No, sir.

Q. You don't know anything about it? A. I don't know whether it is boiler tube or simply pipe.

Q. I am giving you the language? A. If it is lap welded pipe that goes under the same head as the other.

Q. I am giving you the language used : lap welded iron tubes? A. Then it was pipe, and it is the same thing.

Q. Why do you charge 30 and 32 cents and in the next year 42 cents and a half a cent? A. I can't tell you—on the same arrangement.

Q. You had information or a supposition that they would not be called for? A. Yes, sir.

Q. And you raised the price from 30 cents to 42 cents, and you reduced the other from 32 cents to a half a cent a foot ; is that the reason, Mr. Birkett? A. I should judge so? I have the same answers to give to you on that as to the others.

Q. What is a boiler tube cleaner? A. Where a brush goes through it ; there are about 1,000 different styles.

Q. Well, J. B. Christobel's patent? A. I couldn't tell you what it is.

Q. That is a marketable article? A. I couldn't tell you ; they all

have their own patents and their own prices and everything else ; I don't know anything about it.

Q. Is that on both years ? A. Yes, sir ; that is on both years.

Q. You don't know anything about it at all, do you, Mr. Birkett ?

A. No, sir ; I do not.

Q. Are there such things as iron washers used ? A. Why, yes, sir.

Q. Do you keep those on hand ? A. Yes, sir.

Q. The larger the washer the higher the price ? A. Yes, sir.

Q. Then when you charge upon your schedule or bid a small price for a large size you did it upon the same principle as the pipe and so forth. A. All on the same thing exactly, I should judge.

Q. Do you know what a return bend is, open ? A. Yes, sir ; if you had one here so I could explain it — to connect them two pipes together there on top (the witness indicating pipes in radiator in the court room) making return bends.

Q. That is it is an open piece of pipe ? A. No, sir ; it ain't pipe ; it is cast iron.

Q. Well, pipe can be cast iron ? A. Not for that purpose ; not what you have just stated, for return bends.

Q. It is a piece of pipe open ? A. To make a " U."

Q. To make a " U " of two straight pieces of pipe which are secured into each end of the bend ? A. Yes, sir.

Q. Do the prices of those go by the size ? A. Usually—they price list that by size.

Q. And the larger the bend the higher the price ? A. Yes, sir.

Q. Well, there are cast iron bends at the end there, Mr. Birkett ?

A. Yes, sir.

Q. Do you know whether any cast iron bends were used by the department ? A. I don't think there were any in them years ?

Q. You don't think there were any in those years ? A. No, sir.

Q. In one year you bid three-fourths of a cent and the next year one-fourth ? A. I didn't know what they would use them for.

Q. Did you know what they would put them on the schedule for?

A. No, sir.

Q. Did you ever furnish any gas fixtures, Mr. Birkett? A. A good many.

Q. You don't deal in those? A. Yes, sir—I am a manufacturer of those.

Q. Did you in 1891 and 1892 manufacture gas fixtures? A. No, sir—we deal in them and sell them just the same.

Q. In 1891 and 1892 did you deal in them? A. Yes, sir—the same as we do now at the present time.

Q. Now, here is an item which reads thus: gas fixtures for hall at the asylum; how were you able to put in a bid on a thing of that kind? A. We must have had a sample, I guess.

Q. It doesn't say, as per sample? A. We must have had a sample, I guess—there must have been some information whereby we could get at what we wanted.

Q. You charge \$60—does a gas fixture of the kind for a hall that you charge \$60 for in 1891 and 1892 wear out readily? A. I don't think so—they have got a good many halls though.

Q. Do they wear out in a year? A. No, sir.

Q. Two years? A. No, sir—nor in five years.

Q. There is no wear to it, is there? A. Oh, yes, sir—there is a little wear.

Q. The next year you bid on it again; do you know how many of those you furnished—gas fixtures for hall at \$60? A. I don't think I furnished any.

Q. Do you know the value of the kind of gas fixtures they asked for? A. I don't know anything about it.

Q. Your impression is that you did not furnish any? A. My impression is that there was not any called for.

Q. What is a hand hole gasket? A. The same as a man hole gasket; you have seen those projections on a boiler, have you not?

Q. Yes, sir—large enough for a man to get in? A. Yes, sir; and the hand hole is where you put your hand in to fix the boiler.

Q. Where is the hand hole gasket applied to? A. They make it on the joint there.

Q. Joint of pipe? A. No, sir, not pipe.

Q. What then? A. There is the hand hole plate—the washer goes on there.

Q. What is the plate used for—where does the plate go? A. Inside of the hole.

Q. The hole where—on what sort of an instrument or machine? A. On a boiler.

Q. So that this hand hole gasket is a washer for the hand hole plate in the boiler? A. Yes, sir; and the crow foot on the outside—

Q. Do you know what they were worth? A. No, sir, I couldn't tell you.

Q. Do you deal in them now. A. Yes, sir, all the time.

Q. Do you know what the market price of them was in 1891? A. I couldn't tell you.

Q. Do you know whether there was any difference in the price between 1891 and 1892? A. No, sir.

Mr. Schulz.—This committee will stand in recess until half-past 2 o'clock.

PROCEEDINGS OF MONDAY AFTERNOON, AUGUST 12, 1895.

Present.—Messrs. Whittet, Schulz and Keenholts.

Mr. Hugo Hirsh, of counsel.

James W. Birkett, being recalled for further examination, testified as follows:

Examined by Mr. Hirsh:

Q. Mr. Birkett you have brought with you at this session a catalogue showing the price list of Mott's plumbing? A. Mott's goods; yes, sir.

Q. And which includes the park urinals? A. Yes.

Q. And the prices? A. Yes. (Catalogue shown witness.)

Q. And this is the price list of Mott's urinals? A. That is the price list.

(Price list marked Exhibit Q 2.)

Q. You also have brought with you a price list showing the Brundy Standard Radiators? A. Yes, sir.

(Another price list shown witness.)

Q. And is this that price list? A. Yes, sir.

(Marked Exhibit Q 3.)

Q. And you have also brought with you a price list showing the price of fire clay. (A third price list shown witness.) That shows fire clay flue linings and stoneware sewer pipe? A. (Referring to price list.) Yes, sir.

Q. And is this the price list? A. Yes, sir.

(Marked Exhibit Q 4.)

Q. Now without going into any more of these various items in the schedules, your testimony would be the same as to all the items similarly prices as to those to which I called your attention this morning, that where the price was small and the item was not furnished, it was done upon the assumption that none of them would be used, or upon information of some kind that none of them would be used; that is right? A. Assumption, yes.

Q. And that would apply to all the items in the schedule? A. Yes.

Q. And that you practically had nothing whatever to do in getting up these bids? A. That is right.

Q. And that Mr. Curtin, during the years 1891 and '92, 1892 and '93, did have? A. Yes.

William H. Curtin, being called as a witness and duly sworn by Mr. Schulz, testified as follows:

Examined by Mr. Hirsh:

Q. Mr. Curtin what is your business? A. I am plumber, steam fitter, and heating supplied.

Q. And where is your place of business? A. One hundred and sixty-one Flatbush avenue.

Q. Are you engaged in business there for yourself? A. Yes, sir.

Q. What is the firm? A. Just myself individually.

Q. How long have you been engaged there? A. Since about the first of April.

Q. This year? A. Yes, sir.

Q. Previous to that where were you employed? A. Previous to the first of the year with Mr. Birkett.

Q. Previous to the first of January? A. Yes, sir.

Q. And between the first of January and the first of April where were you employed? A. Nowhere.

Q. And how long were you employed by Mr. Birkett? A. From August 4, 1879, to December 29, 1894.

Q. What was your particular employment there, what were your duties? A. Well, sort of a general manager you might say.

Q. You were with Mr. Birkett before his business became a corporation? A. Yes, sir.

Q. What do you mean by general manager? A. Well, look after everything in fact, finances and office details; took in a good many different branches.

Q. Do you know when Mr. Birkett or his corporation first became a successful bidder for contracts in the department of charities and corrections of Kings county? A. I think it was about five years ago.

Q. About the year 1890? A. I think it was.

Q. It might have been the year later? A. I can't say positively now Mr. Hirsh.

Q. And did you make up the bids for those contracts? A. Yes, sir.

Q. Did you make them up alone? A. Well, I had help at different times, different parts of them.

Q. Did Mr. Birkett help you in any of them? A. In going over some of the details, some of the prices, but not the clerical work.

Q. You did the clerical work? A. Yes.

Q. Did you go over the schedules with him in order to see what his opinions were as to prices? A. Some parts of them; I won't say all.

Q. And did that occur every time you made up a bid? A. I won't say—first of all, did, but I won't say about the latter part.

Q. Before you made up the bid did you seek information regarding the articles? A. Well, as near as I can call to mind now by inquiring different ways I got on to some facts, and took chances on others.

Q. Where did you seek information? A. Well, as near as I can call to mind, went to the previous, to the last bids; we were low on the contract, and some gerrymandering got on to it; we got done out of it at that time.

Q. Do you know how you got done out of it? A. Well, the bid was the lowest—it was when Mr. Toal was clerk there; the bid was the lowest as read out, and in a few days later the announcement was made that another party had the contract, and the claim was that in going over the figures they found a mistake in this other party's bid; it was higher than the original bid, and I think his figures was made in pencil.

Q. Do you recollect who the commissioners were at that time? A. I think Mr. Ray and Mr. Hines were two of them.

Q. Well, and the next year did you become a successful bidder? A. I can't say what year it was.

Q. Do you recollect any year when your bid was thrown out by reason of any peculiarity in your bidding? A. Well, there was a bid thrown out last summer.

Q. No; in 1890 do you recollect? A. I can't call it to mind; no, sir.

Q. You don't call it to mind? A. No, sir.

Q. Mr. Gott has testified, and Mr. Murphy, two of the commissioners at that time, that your bid, or the bid of Birkett, was thrown out because they didn't believe that he could fulfill the bid and the price

for articles as he claimed in his bid ; do you recollect anything of that kind ? A. No, sir ; I do not.

Q. Do you recollect any conversation with Mr. Gott, or with Mr. Murphy, regarding your bid at any time ? A. No, sir.

Q. Never had such conversation ? A. No, sir ; not to my knowledge now.

Q. Mr. Gott testified that he sent for you, called your attention, or sent for Mr. Birkett, and you were sent,—called your attention to certain peculiarities of the bidding, very low prices on certain things, and you were asked whether you could furnish the articles at such prices, and you said you would stand by your bid ; do you recollect anything of that kind ? A. No, sir ; I do not.

Q. Well, now, can you tell me where you sought for information regarding the articles used ? A. As near as I can recollect, I saw, the time the bids were opened — that is, after the award — these times I speak of, before we got on to the fact, I saw copies of bids and got points from those ; that is, as near as I can call to mind now.

Q. Got points from those ? A. Yes.

Q. What points did you get from those ? A. Well, I got the fact that the successful bidder always bid low on some things, and a fair price on others, and evened up ; what you might say, an average bid.

Q. That is to say, he balanced his bid ? A. Yes.

Q. By charging away below cost on certain articles ? A. Yes.

Q. And sometimes at a very large figure on others ? A. Yes, sir ; well, I won't say "very large," — what I consider a reasonable figure on others.

Q. Now did you only get your information from these bids ? A. Well, also got them from the fact that Mr. Birkett put in the work at St. Johnland ; the bids were, as near as I can recollect now, for a number of different items that they were likely to call for any time during the year, and they covered everything they had on the plant ; in case of a break of any part they would be called for, steam pipe

of certain sizes, and fittings, that had been put in recently by Mr. Birkett, just previous to that, and those were bid low on because we didn't expect them to get it; there was a number of things similar to that that caused the low prices.

Q. That is to say, from the fact that Mr. Birkett had laid the pipes in St. Johnland and knew their condition, when they advertised for some in the schedule of the same class of pipe, Mr. Birkett figured that they would not use any of that pipe during the year, and there-upon he could bid very low upon them? A. Yes.

Q. Did they affect other items similarly, upon the schedules? A. Well, there was a number of items similar to that, yes, sir.

Q. Well, how could you tell that there were not other institutions that would use such kind of pipe, aside from St. Johnland, where Mr. Birkett had done the work? A. Well, I couldn't tell that any more than, except some of the things — didn't expect there was any other department; took chances on those.

Q. Did you make any inquiry from anybody else? A. Not to my knowledge, no, sir.

Q. Well, you would have the same knowledge wouldn't you? A. Yes, if I had; but I can't recollect now of any such knowledge.

Q. Isn't it a fact though, that you did make inquiries around to see what people knew about it generally? A. No, sir.

Q. Do you know McCanna, the chief engineer? A. Yes, sir.

Q. How long have you known him? A. Well, I can't say that; quite a long time I know.

Q. Did you see him frequently? A. I have frequently, for a number of years past, yes.

Q. How frequently did you see him? A. I couldn't say that.

Q. Once a week? A. No, sir; couldn't say.

Q. Once a month? A. Couldn't say; may be once a month; probably not that; you see, going to St. Johnland I used to meet him sometimes on the train.

Q. Did you ever go to Flatbush to see him? A. I have, since we got the contracts, about different hitches; several times hitches about the stuff or something, and I have had to go down there and see him there then.

Q. What do you mean by "hitches?" A. Well, bills hung up for some reason or other, I don't know why, and they didn't send them through fast enough; saw the commissioner about them, and as near as I can call to mind now, he directed me to go down there and chase them up—one of the commissioners, I can't say who it was now; for that reason I went down, first of all to the storehouse, and then was referred to Mr. McCanna; I think that was about two years ago.

Q. Did you have any conversation with McCanna at any of these times? A. Certainly.

Q. Did you converse about what articles would probably be used and what articles not? A. No, sir.

Q. Did you have any such conversation with Mr. McLaughlin, the storekeeper? A. No, sir.

Q. Or with anybody? A. No, sir; these times I speak of was after we were successful on the contract.

Q. This was after the first year you were successful? A. Yes, sir.

Q. That was 1891 and '92? A. This, I say, was three years ago; somewheres about that.

Q. After that you were again successful in the contract? A. Yes, sir.

Q. In the meantime didn't you make any inquiry at all? A. Not to my knowledge; I don't think I did.

Q. So there was no other place where you got information from for the purpose of making up your bids, except the bids of your competitors, and the knowledge that Mr. Birkett had of the usages of the department? A. Yes, with what information I got from him, as I say, the first bird, when we were first successful there; he and I went over the facts and we figured on different parts; that is, made some of the

bids up; I won't say all of them; but in that way the bid was made.

Q. Whose bid was it you looked at for the purpose of guiding yourself in making up your bid? A. I think it was Wakeman's, as near as I can call to mind; it is the bill, I know, that we were defeated on.

Q. Do you recollect the item of Bundy's radiators, Mr. Curtin? A. I remember there was a radiator called the Bundy.

Q. When items were called for by the department on the emergency clause, how did you make your prices? A. Charged a fair price; but it was very seldom they were called for; once in a while they were.

Q. Very seldom they were called for? A. Yes, not very often; that is my recollection now.

Q. What do you call seldom? A. That is my recollection now; I say not very often.

Q. Once a month? A. Oh, once in awhile they have a few small odds and ends to get.

Q. What is that? A. A few small odds and ends to get once in awhile.

Q. You don't call a bill amounting to \$800 or \$900 as a few small odds and ends? A. No, sir; I have no recollection at the present time of that.

Q. Well, in January, 1893, there was Bundy radiators called for, 17 of them; you wouldn't consider that a small item? A. Let's see—I recollect now about those; as near as I can call to mind they called for a certain size in the specification, and the size they wanted didn't conform; they wanted a larger radiator, and that is what they made an emergency; that is what I couldn't call to mind; I remember that now.

Q. When you speak of "specifications" you mean the schedules? A. Schedule, yes, sir.

Q. In 1891 and 1892, they called for Bundy radiators, from 20 to 40 loops; now you deal in those? A. Yes, sir.

Q. And you know what the price list is, don't you? A. Well, that price fluctuated, the radiator question.

Q. It don't fluctuate all in one year, does it? A. No, sir—well, I won't say; it does fluctuate at different times; You can't tell when.

Q. But the price is fixed in accordance with the number of loops; isn't that so? A. No, sir.

Q. Are you sure about that? A. Yes, sir.

Q. Well, let me show you the book that Mr— A. The price is this, Mr. Hirsh, allow me to explain; the radiator question goes so much for the surface; I suppose the price there for the different sizes, the lowest price—but they generally go by the price so much per loop, so much per foot of surface.

Q. But the lowest price is so much per loop, isn't it? A. Yes, so much per loop; the price goes so much a foot of surface then both ways.

Q. Yes, both so much per foot and so much per loop? A. Yes.

Q. And that is correct where a certain number of loops are called for, a radiator, the less loops the less price; the more loops the more price? A. Yes.

Q. That is correct, isn't it? A. That is correct, that way, yes.

Q. And you recognize this price list, don't you? (Exhibit Q 3 shown witness.) A. Yes.

Q. As the one that guided you in making up your price? A. No, sir.

Q. What then? A. That is only got out a year ago.

Q. Well, there was a similar— A. Yes, I say, that price list I see.

Q. There was a similar price list in 1891 and '92 and '93? A. That is right.

Q. And it went in the same way, as per loop, as this does? A. Yes, that is right.

Q. Can you tell how it was that in 1891 and '92 you bid for Bundy's

radiators, as follows: A 20-loop radiator, \$1, when the price per loop in this price list is \$3.40 a loop — how could you bid \$1 for a 20-loop radiator? A. I think that is the wrong list, Mr. Hirsh; I think it was \$2.25, if I remember rightly.

Q. Well, if it was \$2.25 for one loop — if that was the manufacturer's price for one loop — how could you bid \$1 for a whole 20-loop radiator? A. Because I took chances on it.

Q. You took the chance that they wouldn't call for any 20-loop radiators? A. Yes, or if they did call —

Q. Then you charged \$35 for a 30-loop radiator — that was a fair price, was it? A. For \$35?

Q. For a 30-loop radiator? A. Thirty-loop, \$35 — yes, that was a fair price.

Q. And \$1 for a 40-loop radiator — how was that? A. Well, same as the first.

Q. But when they came to send the emergency bills — you took no chances on those, did you, Mr. Curtin? A. No, sir.

Q. You charged \$70.20 for a 52-loop radiator, and furnished them — you furnished 30 of them — 17 in January and 13 in February? A. Yes.

Q. They were no different than those you had contracted for, except an additional number of loops? A. Different loops, large radiators.

Q. But all it was, you had to add loops to them — wasn't that all? A. No, sir.

Q. What then? A. Different base, the whole business different, larger radiator throughout.

Q. But you only needed to add loops and a different base and a different top piece? A. No, sir; they come ready made — they are made up to order, made up specially to order, the different sizes.

Q. But is there a difference between \$1 and \$72 in those radiators, Mr. Curtin? A. Well, there is a difference if one is larger than the other — admit that.

Q. You don't mean to say that \$1 was at any time a normal price for a 40-loop radiator? A. No, sir.

Q. What was the value of a 52-loop radiator at that time? A. The radiator itself, the loop cost somewhere around \$1 a loop; then there was the extra cartage from Jersey City to Flatbush; I think that figured up about, it was either two, not more than three anyway, the radiators, a load—that was about \$5 for the load, \$5 to \$6.

Q. So a dollar for the loop would be \$52, and the extra cartage? A. About \$5 or \$6—\$57 or \$58.

Q. And you charged \$70.20? A. Yes.

Q. Got a pretty good price for those? A. Yes.

Q. Ordinarily if a person buys from you a 52-loop radiator, what do you get for it? A. Well, somewhere about the same price as that.

Q. Is that the normal profit in your business, Mr. Curtin? A. Twenty to twenty-five per cent.; yes, sir.

Q. Well, do you call a difference between \$55 and \$70.20 twenty or twenty-five per cent. profit? A. Well, 52 and 5 was \$58.

Q. Well, but \$52 and \$5 would be only \$57, and you say that \$5—

Q. Five dollars or \$6, I won't say, for cartage.

Q. You say \$5 or \$6 would be the cartage on three radiators, which would make a load? A. Oh yes; excuse me.

Q. So that would have to be divided by three? A. Yes.

Q. And you get \$70.20; you don't call that twenty or twenty-five per cent. do you? A. Somewhere in that neighborhood; naturally get all you can—get a fair price.

Q. Oh, I understand that part of it; the senator has given us that right straight along; but I want to know whether normally, if a person comes to you and buys radiators, or any institution or a department advertise for radiators, whether you would charge such a percentage as a difference between \$54 and \$70? A. Yes.

Q. You would? A. Yes, sir.

Q. Well, but you didn't do it in this instance, on the schedules, did you, Mr. Curtin? A. No, sir.

Q. Why didn't you, then? A. Because, I say, we took chances on it.

Q. Took chances on what? A. Of them calling for them.

Q. Or their not calling for them? A. Just as they pleased.

Q. How could you afford to take chances of their not calling for them where—take a 20-loop radiator worth \$20, together with cartage; say twelve of them—they advertised for twelve—now, three to a loop, and \$5 for three, for four loads would be \$20, and twelve of them at \$20, and the extra amount for cartage, and the 40-loop, twelve of them, with the extra cartage, each of those you put at \$1 apiece; if they had called for them it would have been a very heavy loss, wouldn't it? A. Yes, sir.

Q. And that was only one of the many items on which you took chances? A. Yes.

Q. Did you have any idea or inkling from anybody that they would call for them? A. No, sir.

Q. Were you guided with reference to that item by the year before? A. I can't call to mind now, Mr. Hirsh.

Q. Now, in the year previous, you say you were guided by former bids made by other bidders; in the year 1890 and 1891, Mr. Hanna had been the successful bidder on similar articles, and he bid on the Bundy radiator \$20 for the twenty-loop and \$36 for the thirty to forty-loop; how could you be guided by that bid in making up your bid for 1890 and 1891, and bid \$1 apiece for twenty and forty-loops, and \$35 for the thirty? A. Well, it was not Hanna's bid that I had—as near as I can call to mind the one I speak of is Wakeman's—that is my recollection; it was not Hanna's, I remember that.

Q. Wakeman's, what year? A. I don't know.

Q. The year previous do you think? A. I don't know what year it was Mr. Hirsh; I recollect it was the year that our bid was the lowest and we didn't get it; that is all I can call to mind now.

Q. Now, in the year previous, that is, in the year 1889 and '90, Mr. Robbins had been the successful bidder, and at that year there was only one radiator advertised for, and that was a 20-loop radiator?

A. I can't say as regards radiators about the bids that were taken, but as a general rule right through we followed that last bidder.

Q. If in 1869 but a 20-loop radiator was advertised for, and the successful bidder bid \$20 for that, and in the next year, 1890 and '91, three radiators were advertised for, and they bid \$20 to \$36 for them, how could you guide yourself in your bid for 1891 and '92 by any previous bid, and bid only \$1? A. I can't call to mind now, Mr. Hirsh.

Q. Wasn't it a fact that you guided your bid by other information than the bids in this case, in this instance? A. No, sir; I don't think so.

Q. You don't think so; will you swear— A. I can't call to mind now what was done at that time, it is too far back.

Q. Will you swear positively that you did not? A. Personally I did not, no, sir.

Q. Well, was information obtained in the making up on these bids by other people besides yourself? A. Not that I can recollect, except what Mr. Burkett—except what Mr. Burkett agreed on in going over—whether he did or not I couldn't say.

Q. Who else helped make up these bids besides yourself and Mr. Burkett? A. On the clerical work one of the clerks we had there gave a hand, which one I can't say.

Q. That was simply with reference to the clerical work? A. Filling out extensions, that is all.

Q. So that in making the price you and Mr. Burkett alone acted? A. That is as near as I can call to mind.

Q. So that this item of \$1 on the 20 and 40-loop radiator was fixed by yourself and Mr. Burkett? A. As near as I can call to mind, yes, sir.

Q. You say that is an article that fluctuates greatly in value? A. The price of radiators, yes; not greatly, but fluctuates.

Q. In 1892 and '93 you were again the successful bidder, and in that year you charged \$35 for a 20-loop radiator, where you only charged \$1 the year before; what was the cause of that Mr. Curtin? A. I can't call to mind.

Q. Well, you say in 1891 and '92, when you bid the \$1, you guessed that they wouldn't use that; now when you charged \$35 in 1892 and '93 for the same article, did you guess they would use it? A. I can't say, Mr. Hirsh.

Q. Why can't you say? A. I presume we did guess.

Q. You did guess that they would use it? A. I can't say what, but making up the bid we figured to get the job, that is all.

Q. I know, but what caused you in one item to change, one year, from \$1 to \$35? A. I can't say.

Q. Was it a guess, that you thought they would call for some of those? A. I couldn't say.

Q. Do you mean by that you don't remember? A. Yes, sir.

Q. Now in 1892 and '93 you bid \$25 for a 30-loop; how did you come to do that? A. Same as before; I can't call to mind.

Q. And for the 40-loop, in 1892 and '93, you bid 5 cents; now how did that come about? A. Same as before is all I can say.

Q. Well, that is no answer at all, Mr. Curtin? A. I can't call to mind the facts.

Q. What was it that led you to make such an absurd bid as 5 cents for a 40-loop radiator when a single loop is worth \$1? A. Well, I can't call to mind, except except we take the chance they wouldn't call for them.

Q. Take the chance they wouldn't be called for; now, when you take that in connection with the other fact, that 30 radiators in that same year were called for upon the emergency clause, those bills amounting to \$2,100 and a fraction over, do you say that you were

not informed in any wise that you would get these emergency bills, and that "you don't need to be afraid of being called upon for 40-loop radiators?" A. Yes, I mean to say I wasn't informed—

Q. Had no information on the subject at all? A. Yes, sir.

Q. And you simply did that kind of successful guessing? A. Yes.

Q. And Mr. Burkett helped you guess? A. Yes.

Q. How did you start to work at making up these bids, Mr. Curtin; you would get a copy of the schedules from the department, would you? A. Yes.

Q. What was the first thing you did after you got these schedules?

A. Well, as near as I can call to mind, got the costs all the way through, then, after that, make up a bid.

Q. The first thing that you did was to arrive at the cost price of every article? A. Yes, sir.

Q. And after you had arrived at that you would make up the bid?

A. Yes, sir.

Q. You would make no inquiry before you made up your bid as to the probability of what article would be called for? A. No, sir.

Q. From nobody? A. No, sir.

Q. Not even from Mr. Burkett? A. I can't say that; that is different, in the office, altogether; all I know, when I got the cost price up, then in most cases, I can't say in all, Mr. Burkett and I would go over the thing and make up the bid.

Q. As you went over each item would you talk about it and ask Mr. Burkett: "Well, do you think this will be called for?" A. No, sir.

Q. Well, how would you get at that? A. I can't call to mind now, any more than we agreed to go low on some and high on others; that is, a fair profit on others, I won't say high.

Q. But why didn't you go low on all? A. It wouldn't pay.

Q. Why wouldn't it pay? A. We went in to make some money on it.

Q. How is that? A. We went in to make money on the contract.

Q. If you bid low on each item and became thus the lowest bidder, you could make money on it, couldn't you? A. On all the way through?

Q. Yes. A. Not—you mean below cost, or what?

Q. No, bid a low price. A. Yes, all the way through, I could in that case.

Q. If you assumed that every article in the schedules was placed therein, for the purpose of having it furnished to the department, you would have to bid the lowest price on it, wouldn't you? A. Yes, sir.

Q. But you didn't assume that? A. No, sir.

Q. Now, I want to get at why did you assume that those commissioners, when they put articles in the schedule, didn't want them or some of them? A. Because, as far back as I can recollect, the first bidding, I think it was back in 1885, the cost price of the goods would be — the successful bidders would be far below — I should say the amount the successful bidders got the contract at would be far below the cost, or below the cost at any way; in that way I got on to the fact that they didn't use them all.

Q. That they didn't what? A. Didn't use all the goods they specified; that was just an approximate estimate of what they want.

Q. But when they called for the same article year after year on their schedule, didn't you suppose that they would use that sometime? A. No, sir.

Q. You still thought your opinion that they would not use it was better than that of the commissioners who put these articles in the schedule? A. Yes, sir, because the same, year after year.

Q. You backed up your opinion with your low prices as against the opinion of the commissioners? A. Yes.

Q. Without having any knowledge at all upon the subject? A. Yes, sir.

Q. You know that the chief engineer made up the schedule with

reference to the articles that you furnished? A. No, sir, I don't know who made it up.

Q. What is that? A. I don't know who made them up, except what I read in the papers lately.

Q. Well, you know that the schedule, or this portion of it, came on and was sent to his department? A. Well, the material went there—no, the material went to the storehouse.

Q. For the use of the engineer's department? A. And scattered around; sometimes different places; I couldn't say where.

Q. The engineer would necessarily know as much as you with reference to the articles that might be used, Mr. Curtin? A. I couldn't say what he knew; I presume he would know.

Q. He could at least be as good a guesser as you would be as to what might be used in his department? A. I should think so.

Q. Were you the one that fixed the price of the park urinals? A. I think so.

Q. Will you state what the list price of park urinals was, the kind advertised for, Mott's, in the year 1892 and 1893 and 1891 and 1892? (Exhibit Q 2 handed witness.) A. You got it marked here.

Q. Yes, where that paper in— A. With lamp, \$180 list; without lamp, \$160.

Q. With lamp \$180 and without lamp \$160; is that right? A. Yes, sir.

Q. Well, what is this item of park urinals that is advertised for in this language; I will give you the language of the schedule: "Park urinals, plain, 271 Mott catalogue?" A. That is Mott's old catalogue.

Q. Well, what would they be there? A. Same thing as that.

Q. Yes; now what would that particular kind of urinal be worth? A. I think it was 20 and 10 off; that would be \$127 and some odd cents.

Q. That would be the price you would have to pay to Mott? A.

That is with the lamp, yes, or without the lamp, I can't say what was called for now, would be \$115.20 about net.

Q. One hundred and fifteen dollars and twenty cents; that is, without lamp? A. Yes, sir.

Q. So that in 1889 and 1890, when the successful bidder bid \$125 for that item, that was a fair bid? A. Yes, sir.

Q. A small profit on it according to Mott's catalogue? A. Yes.

Q. The figures that you have given from Mott's catalogue, as you looked at it, were those the prices that you would have to pay to Mott to buy them? A. As near as I can call to mind now about that.

Q. Less the discount you have mentioned, 20 and 10? A. That is, I say, as near as I can say now, because that may have been changed from the old book; I can't say that.

Q. But the price mentioned in the catalogue was the price that you would have to pay, whatever it was, less the discount? A. Yes, whatever the price was that time; it may have changed, as I say, by that list.

Q. And upon that, if you wanted to make a profit, you would have to add another figure whatever profit you expected to make? A. Yes, sir.

Q. Was there a great fluctuation in park urinals, do you know? A. No, sir.

Q. Now in 1891 and '92, when you, or the Birkett Manufacturing Company became the successful bidder, this item of park urinals appeared in the schedules and in that year 12 of them were advertised for; in 1889 and '90 3 of them were advertised for and the successful bidder bid \$125 for them; in 1890 and '91 3 of them were again advertised for and the successful bidder bid \$100 for them; in 1891 and '92 your firm became the successful bidder and you bid 50 cents apiece for them; now will you tell me how that came about? A. I can't say.

Q. Was that with the intention of balancing your bid that year? A. Yes, sir.

Q. You gambled that they would call for no park urinals? A. Apparently so.

Q. And on so large an item, where they advertised for 12 things that might possibly be worth \$1,200 or \$1,500, all the way from \$100 to \$125 a piece, you put them down to 50 cents apiece, thus enabling you to get a much larger price for other items in that class; that was so, wasn't it? A. I won't say about the "much larger price."

Q. Well, a larger price? A. Well, I can't say about that price.

Q. Do you mean to say Mr. Curtin, that you have no recollection of the fact that in this bid of 1891 and '92 you didn't get a larger price than you otherwise would have obtained for goods? A. That is my recollection.

Q. That you didn't do so? A. Yes, sir.

Q. I will have to refresh your recollection; why did you say a moment ago that that was the only way of making money, a contractor— A. Well, by getting the order for the stuff; we make the price on it; but my recollection is we put the price down low to get it, all the way through in fact, each year.

Q. This park urinal item was put down quite low? A. Yes, very low.

Q. Can you tell how you still continued that item of park urinals in 1892 and '93, to 5 cents apiece? A. No, sir; I can't say.

Q. And that was with the same object in view, of balancing your bid? A. Yes.

Q. And you say in neither one of those years you didn't obtain for any other item in that class a larger price than you otherwise would have obtained in your store for the same item? A. I don't think so.

Q. Will you swear that that is not so? A. I can't call to mind; I can't swear to a thing I am not sure of.

Q. Did you ever inquire from anybody whether park urinals would be used? A. No, sir, except that I may have talked with Mr. Birkett; I won't say outside of that; I say no; I mean in that way.

Q. Well, did you talk with Mr. Birkett about it? I can't say; I presume I did.

Q. You presume you did? A. Yes.

Q. And then he knew that you put in a bid of 50 cents a piece and 5 cents a piece? A. I am almost sure he knew about most of the things all through.

Q. So that you yourself didn't take any such chances on an item that might lose you \$1,500, but that Mr. Birkett was with you in taking that chance? A. Well, in most cases I think he was.

Q. Mr. Burkett has testified that he knew absolutely nothing about these bids and that you knew it all; do you agree with him? A. Not in all cases, no, sir.

Q. You mean in most cases he was helping, aiding you and advising you in the prices of these various items? A. In a good many things he did, yes, sir.

Q. Do you recollect the item of fire clay, Mr. Curtin? A. Fire clay; no, sir.

Q. Do you deal in it yourself? A. Well, I have not lately.

Q. Do you recognize this catalogue marked exhibit Q 4; look at it? (Catalogue marked exhibit Q 4 shown witness.)

A. That is the first I have seen of this one.

Q. Did you ever see anyone similar to it? A. I have seen prices of the sewer pipe before.

Q. Never seen prices of fire clay, on the opposite page? A. No sir; I don't see fire clay here.

Q. Fire clay flue linings, do you see that? A. Well, flue linings, yes.

Q. You know nothing of fire clay itself? A. I know what fire clay is, yes.

Q. What is it? A. It is clay that is used generally around—well, it is used in making pipe and around connections to boilers, setting brick.

Q. Did you get up a schedule on that item? A. Well, what year is it, and what is it?

Q. That is the year 1891 and 1892. A. I presume I did.

Q. How did you get that price on that item? A. That is more than I can say now.

Q. Do you know whether 'hat fluctuates in value? A. I don't think it does.

Q. Do you know what the value of it is now? A. No, sir.

Q. Do you know what the value of it was in 1891 and 1892? A. No, sir.

Q. Or in 1892 and 1893? A. No, sir.

Q. In 1891 and 1892, you bid 75 cents a bushel for it; in 1892 and 1893, it was raised to \$1 a bushel; do you know why that was? A. No, sir.

Q. Well, did fire clay rise in market price 25 cents a bushel in one year? A. I don't think so.

Q. Well, how did you come to charge 25 cents a bushel more the next year? A. I can't call to mind.

Q. Which was the fair price, 75 cents or \$1 a bushel? A. I might be able to tell from that list but I can't say now, Mr. Hirsh, what the price was; it is too far back for that; I am not posted in the price.

Q. Well, if 75 cents a bushel was a fair market price, \$1 a bushel would give you a very good profit? A. Yes, sir.

Q. Now this Exhibit Q 4 is a price list of earthen pipe, isn't it? A. Yes, sir.

Q. Did earthen pipe fluctuate? A. Well, the discount changes sometimes a little.

Q. But the list price doesn't fluctuate? A. No, sir.

Q. You might get a little more or a little less discount each year? A. Yes, sir.

Q. That is all the difference? A. Yes.

Q. What was your discount on earthen pipe? A. I think it was 60 off.

Q. Sixty off? A. It is 65 now.

Q. So, when the list price was, say, \$1 a foot, it would mean 35 cents a foot? A. Yes; well, that is 40 cents at that time—

Q. Or 40 cents? A. Thirty-five now.

Q. In 1890 and '91 the successful bidder on earthenware pipe, elbows and tees bid as follows: $9\frac{1}{2}$ cents a foot for earthenware pipe 4 to 6 inches; $23\frac{1}{2}$ cents a foot for the same 8 to 12 inches; do you know whether that was a fair price that year? A. Nine and one-half for 4 to 6?

Q. Yes? A. Well, that would be a shade low, I think, the time he would have to cart it and pay for the cartage.

Q. You think that would be pretty low; well, how would the $23\frac{1}{2}$ be for 8 to 12 inch? A. I can't recollect the price on that.

Q. How would the 27 cents be for elbows and tees 4 to 6 inches? A. I can't remember the list on those.

Q. Well, suppose you look at the list and see if you can tell by that? A. Now, which size first?

Q. Four to 6-inch earthenware pipe? A. Well, 4-inch pipe is listed 20 cents, 5-inch at 25 and 6-inch at 30; that would be 8 cents a foot for 4-inch, 10 for 5-inch and 12 for 6-inch, and extra for cartage.

Q. Then $9\frac{1}{2}$ cents a foot for pipe 4 to 6 inches would be a trifle less than the average? A. Yes, that would be a trifle less.

Q. Now, how about 8 to 12-inch? A. Eight-inch, 45; 10-inch, 65, and 12-inch, 85; 8-inch would be 18 cents; 10-inch would be 26; and 12-inch would be 34 cents.

Q. And $23\frac{1}{2}$ would be low also? A. Yes, sir.

Q. Now, elbows and tees 4 to 6-inch, 37 cents each, how would that be? A. Well, they were the same as 4-inch bends, same as elbows; 65 cents list; branches 70 cents; that would be about 27 or 28 cents; 5-inch would be about 35 cents; 6-inch would be 44 cents.

Q. That would be about the average price, 37 cents? A. Yes.

Q. And 94 cents, elbows and tees, 8 to 12 inch, how would that be?

A. That would be a shade below the average.

Q. Well, if those prices were a shade low, what do you say to the price in 1891 and '92—4-inch, 1 cent a foot? A. Shade lower.

Q. Well, that would be quite low in the shadow, wouldn't it? A. Yes.

Q. Six-inch, 20 cents a foot—how is that? A. Well, that would be what you might say a fair price.

Q. Eight-inch, 22 cents a foot? A. That would be—just get clear on that.

Q. That would be about cost? A. Just about cost and pay for the cartage.

Q. And 12-inch, 3 cents a foot? A. That would be low.

Q. Then you figured that the 4-inch and the 12-inch wouldn't be called for? A. As near as I can call to mind; yes, sir.

Q. Now in 1892 and '93, you changed that again, Mr. Curtin, and you charged $\frac{1}{2}$ cent a foot for the 4-inch and the 12-inch, and 18 cents a foot for the 6-inch, and 20 cents a foot for the 8-inch; how did you come to do that? A. Can't say; it is a shade lower before; that is, the 6-inch is 2 cents lower, I see, than the year previous.

Q. Yes. A. I can not say why it was done.

Q. Was there any change in the market price, do you know? A. I don't think so; may have been a slight amount.

Q. But as to the 4-inch and the 12-inch in that year, you had become convinced that they would not call for any of that size? A. Apparently so; yes, sir.

Q. The earthen elbows, in 1891 and '92, you bid as follows—1 cent each for the 4, 6 and 8-inch, and 5 cents for the 12-inch; was there as much legitimate difference between those items— A. Well, it is just about the same as the pipe; they all go with the pipe—have to have the same size for each pipe.

Q. Well, then you figured on those also, that the 4, 6 and 8-inch would not be used? A. I think the 6-inch—how is the 6-inch there?

Q. Four, 6 and 8-inch you put in at 1 cent each. A. Most likely

the 6-inch was the size they used mostly, as near as I can call to mind.

Q. Well, if you thought that they would use most of the 6-inch, you would not have put it in at 1 cent a piece, would you?

A. I don't recollect how that was done now.

Q. What is your best recollection regarding it? A. I can't say now; just read that again please.

Q. In 1891 and '92 you charged 1 cent for the 4-inch earthen elbows, the same for the 6-inch, the same for the 8-inch, and you charged 5 cents for the 12-inch? A. I guess it was the fact that they hadn't called for them the year previous.

Q. Hadn't called for any of them; but in 1892 and '93 you charged one-half cent for the 4-inch, 90 cents for the 6-inch, 75 cents for the 8-inch, and 1 cent for the 12-inch; now, had the price gone up in that one year from 1 cent to 90 cents? A. No, sir.

Q. Hadn't; what was the cause of the rise on the schedule? A. I can't call to mind why.

Q. What was the fair price for a 6-inch elbow in that year? A. Listed at \$1.10, 60 off, would be 44 cents.

Q. Then if you got 100 per cent more than cost, you wouldn't call that a fair profit, would you? A. Call it a pretty fair profit, yes.

Q. A pretty fair profit; you mean that is less or more than a clear profit? A. A little more than a fair profit.

Q. Well, don't you consider that charging 90 cents for a thing that cost you 44, a very large profit? A. Yes, if there is many of them called for.

Q. I haven't reached that part of it, Mr. Curtin; I simply want to get your knowledge of the price; you call that a very large price, don't you, 90 cents for an article that cost you 44? A. Yes.

Q. And when I asked you before whether you made these balance bids and put in park urinals at 5 cents each, whether you didn't balance that bid by getting very large prices for other articles, you

said that was not so; I have now called your attention to at least one article where you did get a very large price, didn't you? A. Well, if I recollect that rightly, that is not the same class at all; that is another class; another list.

Q. That is in a different list, you mean? A. Yes; different classification.

Q. The same thing appears, exactly, with reference to earthen tees; would you give the same answer to earthen tees as you gave to elbows, when you charged 90 cents apiece for earthen tees, 6-inch, and only 1 cent for 4-inch, and one-half cent for 12-inch? A. Yes.

Q. The object was to balance that bid? A. Yes.

Q. With the idea that none of the lower priced would be called for? A. Yes.

Q. But Mr. Curtin, in these various classes where you made these bids, numbering hundreds of items, if all the articles had been called for, upon which you put this very small bid, it wouldn't have resulted in a profit would it? A. Well, you mean the whole list?

Q. Yes, in all the classes you bid upon? A. You mean the full list as specified?

Q. Yes. A. It would be below cost.

Q. Well, it would have resulted in a large loss to your corporation? A. Yes, sir.

Q. Were you held responsible for this method of bidding? A. No, sir.

Q. Whose was the responsibility? A. Well, I couldn't say; the corporation themselves, or their officers.

Q. What I mean by that is, was this particular job of getting up these bids left entirely to you, or was it left to the president, Mr. Birkett? A. Well, I got the bids up as I said, and consulted with him.

Q. So that he was with you in making up these bids and, of course, he being the president, the responsibility of profit or loss was with him? A. Yes, sir, or with the company which he would represent.

Q. Do you recollect the item of iron, Mr. Curtin? A. There were several kinds called for, I recollect that.

Q. Yes; there was sheet iron Russia, sheet iron wrought and wrought iron No. 12, and galvanized iron No. 24 and 26; do you know the difference between these various kinds of iron? A. Yes.

Q. You deal in them yourself, do you? A. Well, I have not had a chance so far, but I am willing to.

Q. But you know what they are? A. Yes.

Q. You are thoroughly posted upon your business are you not, Mr. Curtin? A. Pretty well posted.

Q. Now is Russia iron more valuable than the others? A. Yes, sir.

Q. How much more? A. I think Russia is worth about 11 or 12 cents a pound.

Q. What was it worth in 1891 and '92? A. I can't say now; somewhere about that; it isn't a very great chance, maybe a cent or two a pound—might fluctuate.

Q. How much more is it worth than the other iron? A. Well, just specify which one, then I can say better that way.

Q. Sheet iron wrought, best quality, 13 by 16 inches? A. Wrought iron, 13 by 16?

Q. Yes. A. That meant No. 13 and No. 16; that is somewhere around $3\frac{1}{2}$ cents, I think.

Q. Three and one-half? A. I won't be sure about that; that may have meant bars or it may have meant sheet iron; I can't say which.

Q. I am speaking of sheet iron—it doesn't read "bars" at all. A. Well, you just said iron.

Q. I said "sheet iron wrought, best quality, 13 by 16 inch?" A. Oh, sheet iron; that, I presume, is worth about 4 cents.

Q. And at that time? A. I presume about that time.

Q. And wrought iron No. 12? A. Well, that, as I thought a minute ago it may have meant sheet iron or may have meant bar iron—

Q. No, this is sheet iron? A. That would be about the same.

Q. Galvanized iron, No. 24 BB? A. That would be somewhere around 5 cents.

Q. And the same 26 BB? A. About the same.

Q. Was there any fluctuation in that class of goods between 1891 and '92, and 1892 and '93? A. I can't call to mind about any fluctuation.

Q. You know when iron fluctuated in value, don't you? A. It has fluctuated all the time, more or less; every little while there is a raise and a drop; you can't tell anything about it.

Q. Is the fluctuation a very large one—more than $\frac{1}{2}$ a cent or a cent? A. Well, up to a cent—maybe a pound.

Q. The fluctuation never has been from 3 to 4 cents, has it, in a cary? A. I don't think so—no, sir.

Q. Now, in 1891 and '92, you charged 12 cents a pound for Russia iron, 2 cents a pound for sheet iron, wrought, best quality; 1 cent a pound for wrought iron No. 12; $4\frac{3}{4}$ cents a pound for galvanized iron No. 24, and $6\frac{1}{2}$ cents a pound for galvanized iron No. 26—how did you come to make such a vast difference of 1 and 2 cents, and $4\frac{3}{4}$ and $6\frac{1}{2}$ cents? A. I can't call to mind.

Q. Was the object in that also to balance the bid? A. Yes, I presume it was.

Q. Now in 1892 and 1893 you charged 12 cents a pound for Russia and one-half cent a pound each for the sheet iron, wrought, best quality, the wrought iron No. 12, and the galvanized iron No. 24—did iron go down away to one-half cent a pound in one year? A. No—I can't say why.

Q. Or did you conclude that none of that would be called for that year? A. I presume, taking by the previous year.

Q. But the galvanized iron, No. 26, you raised from $6\frac{1}{2}$ in 1891 and 1892 to $7\frac{3}{4}$ cents in 1892 and 1893—you assumed that that would be called for and put a good price on it? A. I suppose that was called for the year previous and I took that as a criterion to go by—I

can't say positively—I just presume that now; you see there is so many items there I can't call to mind all of them.

Q. What are malleable iron ears? A. They go on a kettle or boiler, on the side, to attach the bale to.

Q. Well, did they fluctuate in value much in any of those years? A. I am not well posted in those—that is more in the sheet-iron trade; that comes under tinnery's supplies.

Q. But you bid upon them? A. Yes, sir.

Q. How did you get posted on those items? A. I can't say now about those.

Q. Was there ever a fluctuation of from 8 cents a pound to 15 cents a pound in one year on malleable iron ears? A. I shouldn't think so.

Q. The successful bidder in 1889 and 1890 got 8 cents a pound for those things and you bid 15—was that one of those good, profitable items that you put in to balance your bid? A. Well, there was very few of them called for as my recollection serves me now; very few.

Q. But whatever number was called for there was a good profit in them at 15 cents? A. I should think it would be a good profit, yes, sir.

Q. Do you deal now in sheet zinc? A. I am in that line—I have not dealt in it so far.

Q. What is that worth, do you know? A. I think it is between 7 and 8 cents.

Q. Always remained about that? A. Well, no; sometimes it goes higher.

Q. Wasn't it much less in 1891 and 1892? A. I couldn't say.

Q. Don't remember? A. No, sir; I can't say.

Q. Well, in 1890 and 1891, the successful bidder bid $7\frac{1}{2}$ cents a pound for it, and you bid $9\frac{1}{2}$ cents in the next year; do you know whether that was a very profitable item at that? A. No, sir.

Q. Three thousand pounds asked for? A. I couldn't say how it was now.

Q. Sheet zinc is a very staple article, isn't it? A. Yes.

Q. And the ordinary normal profit on it is very small; isn't that true? A. Well, I can't say about the normal profit.

Q. Well, I am not speaking of the profit that you folks make when you get all you can; I am speaking when you are trying to get a contract for sheet zinc; you don't charge more than one-half cent a pound profit on it, do you? A. Sometimes, yes, sir.

Q. Ordinarily? A. Well, I can't say; charge what you think you can get.

Q. Charge what custom will stand; is that the way? A. Yes, sir.

Q. Do you know what the item of iron wire was, iron wire No. 0? A. Yes.

Q. That is all the way up to 15 by 16? A. I know what iron wire is.

Q. You know what its value was in 1891 and 1892? A. No, sir.

Q. Do you know what its value is to-day? A. No, sir.

Q. Did you ever buy any? A. I have not for years; not for several years.

Q. Who gave you the price to put upon this item? A. Oh, at the time I got the prices, just what they were.

Q. Who did you get them from? A. I can't say what house; there is several dealers in New York; there are quite a few in fact.

Q. Well, how does the price vary on iron wire, the larger the size the larger the price? A. Yes, the larger the size the more expensive.

Q. Then how came it that you put in this bid: 6 cents a pound for iron wire No. 0 to 6, 6 cents a pound for iron wire No. 15 to 16 and 1 cent a pound for iron wire No. 7 to 9, 10 x 11, and 12 x 13? A. I can't say now.

Q. You can't say other than it was to balance that bid? A. That is about all.

Q. In 1890 and '91, the price of iron wire was but 4 cents a pound, all sizes from 0 to 6 to 15, 16; was there any fluctuation in price those years? A. I couldn't say now; I couldn't tell you.

Q. In 1892 and '93 you bid 10 cents a pound for the iron wire 0 to 6, 4 cents a pound for the iron wire 7 to 8 and $\frac{1}{2}$ cent a pound for all the other sizes; do you know why that was done? A. No more than I should judge that by the previous — calling for the year previous, what they demanded.

Q. You figured by the calls of the year previous that the sizes No. 0 to 6 would only be called for, and the other sizes would not be called for? A. That is my recollection.

Q. So you put in the price much less than cost for the kind that would not be called for, and the other at a very good profit, that would be called for; is that right? A. Well, I can't say about the good profit now.

Q. Well, 10 cents a pound, where it had been bid for in two years previous at 4 cents, the following year, by you, at 6 cents, 10 cents a pound in the following year would be a good profit, wouldn't it? A. If that is a fair price, yes.

Q. Well, don't you know anything about it? A. I can't call to mind now.

Q. Is there anybody that you know who does know something about it? A. Oh, I can find out easy enough what the prices are.

Q. You are also a dealer in cast iron pipe are you not, Mr. Curtin, now? A. Yes, sir — well, that depends what kind of cast iron; there are several in the market.

Q. Cast iron pipe for drains and for water; do you know that kind of pipe? A. Well, there are two, really different pipe; drain pipe is what we call soil pipe; water pipe is similar to the gas pipe laid in the street.

Q. Well, we will get at the drain pipe first; do you know what the value of that was in 1891 and '92? A. Well, the drain pipe goes by the list price or by discount.

Q. Have you got a list price of those? A. I can call to mind now off hand; I can tell off hand how they are.

Q. Well, tell me off hand? A. What sizes—does it specify any size there?

Q. Oh, yes; 2-inch, 3-inch, 4-inch, 5-inch and 6-inch drain pipe?

A. Two-inch listed at 24 cents, 3-inch, 30; 4-inch, 36; 5-inch, 50; and 6-inch, 60; and I think there is 60 off.

Q. Two-inch, how much—24? A. Twenty-four.

Q. Well, these were your bids in 1891 and '92; 2-inch, $\frac{1}{2}$ cent; 3-inch $\frac{1}{2}$ cent; 4-inch, 20 cents; 5-inch, 1 cent; 6-inch, 1 cent—that doesn't quite compare with the list price you have given? A. Not quite.

Q. And this was another one of the balance bid items that you have referred to, was it? A. Yes.

Q. In 1892 and '93, you vary that again; you bid $\frac{1}{4}$ of a cent for 2-inch, 3-inch, 5-inch and 6-inch, and 25 cents for 4-inch; so you must have figured from the previous year what pipe had been called for and bid accordingly? A. Yes, sir.

Q. And 4-inch pipe having been called for more than any other, you charged a large price for that; and the other pipe, not having been called for at all, you charged an infinitesimally small price for that? A. Yes.

Q. Is that right? A. To the best of my recollection now; I can't say positively.

Q. Now what was cast iron pipe for water worth? A. That goes by the ton.

Q. Four inch, 6-inch and 8-inch? A. That goes by the ton, 4, 6 and 8, I should judge somewhere around \$30 a ton.

Q. Well, it is itemized here per foot? A. Well, the price goes by the ton, always sold by the ton.

Q. It would go by the ton? A. Yes.

Q. Well, how did you arrive at it for the purpose of finding a price per foot? A. At that time I must have figured what it weighed per foot, and figured accordingly.

Q. Was the difference as great as this, 30 cents a foot for the 4-inch and 1 cent a foot for 6 and 8-inch each? A. No, sir.

Q. Well, 30 cents a foot was a pretty good price wasn't it, for the 4-inch in 1891 and 1892? A. As near as I can call to mind 4-inch pipe weighs around 20 pounds to the foot; that would be just about cost price.

Q. Thirty cents would be about cost price? A. Yes.

Q. Well, then in 1892 and 1893, getting your hand in, you charged 45 cents for the 4-inch, 25 cents for the 6-inch and $\frac{1}{4}$ cent for the 8-inch; then you were making a pretty good profit on the kind that was called for mostly? A. Yes.

Q. Mr. Curtin, suppose each of these items had been standing in lines, not in classes, would you have put in any such bids? A. I don't think so.

Q. Don't you know whether you would or you wouldn't? A. Well, I don't think I would; no, sir.

Q. Well, you know that you wouldn't, don't you? A. I wouldn't personally; no, sir; I wouldn't personally.

Q. There is no question about it at all that because they were in classes where you could balance your bid you could put in bids of this kind; if they were not in classes, but simply in line items, you couldn't put in any such bid? A. No, sir.

Q. If there was no opportunity for gambling; if there was no opportunity for guessing, and if there was no opportunity for getting inside information, nobody could be successful in making a class bid of the kind that you have made? A. I couldn't say that.

Q. And make money? A. I couldn't say that regarding some parts of it.

Q. What is that? A. You spoke about inside information; I couldn't say about that.

Q. Well, as to the other you could say? A. Yes, sir.

Q. You mean to say that if a person had information they couldn't make these bids successfully? A. Oh, if they had information, yes, sir.

Q. Yes; all that you mean to say is you didn't get the information?

A. Yes.

Q. Except from Mr. Birkett? A. Yes.

Q. You don't know where he got information from? A. I couldn't tell, sir.

Q. He says he left it all to you; you differ from him, do you, Mr. Curtin? A. He looked over the bids before they went in; he was consulted in things; I wouldn't take that on my shoulders.

Q. Do you know what the price is for iron rivets, or was in 1891, '92 and '93? A. No, sir; I don't now.

Q. Do they fluctuate in price? A. I couldn't say that.

Q. What do you mean by saying you couldn't say; don't you know anything about it? A. I couldn't say about their fluctuation.

Q. Do they fluctuate now? A. I couldn't tell that—that is a thing that I can't call to mind.

Q. Do you know anything about sheet rubber? A. Yes, sir.

Q. Well, here was an item of sheet rubber advertised for in 1891 and '92, and in '90 and '91, and the following figures appear in 1890 and '91—\$2 a yard for sheet rubber $\frac{1}{8}$ -inch, \$1 a yard for 1-16-inch, and \$3.75 a yard for $\frac{1}{4}$ -inch; would you consider that a fair price? A. I couldn't say; it goes by the pound.

Q. But you bid by the yard in 1890 and '91, and 1892 and '93? A. I may have; I can't say now how it was bid by.

Q. Can't you tell whether you can bid by the yard or by the pound? A. Bid any way at all, but I say the price is by the pound; you can easily make the price by the yard by nine times the amount.

Q. Which is the most valuable, $\frac{1}{4}$ or 1-16-inch? A. Well, $\frac{1}{4}$ is heavier.

Q. And, therefore, especially if sold by the yard, would naturally be more valuable? A. Yes.

Q. In 1891 and '92 you bid \$3 a yard for the 1-16 and $\frac{1}{8}$ -inch, and 10 cents a yard for the $\frac{1}{4}$ -inch; that would bear out your suggestion that it was the most valuable? A. No, sir.

Q. And in 1892 and '93 you bid \$1 a yard for the 1-16, \$4 a yard for the $\frac{1}{8}$, and 2 cents a yard for the $\frac{1}{4}$; you profited by your experience of the year before? A. Yes.

Q. Knew what size they called for and put in the bid accordingly? A. Yes, sir.

Q. Was \$4 a yard a good price? A. I couldn't say now; I can't recollect the weight of it.

Q. Can't tell the weight of it by what is stated here? A. No, sir.

Q. Do you know what couplings "R and L"—which I suppose stand for right and left— A. Yes.

Q. One-half to $2\frac{1}{2}$ were worth? A. Well, they go by list price; I can tell by the catalogue there.

Q. This catalogue here? A. Yes, sir.

Q. Well, suppose you look at it. (Exhibit Q 3 handed witness.) What was the list price, with the discounts off, of couplings $\frac{1}{2}$ -inch to $2\frac{1}{2}$ -inch? A. Well, there is a half a dozen different sizes there.

Q. Yes— $\frac{1}{2}$, $\frac{3}{4}$, 1, $1\frac{1}{4}$, $1\frac{1}{2}$, 2 and $2\frac{1}{2}$? A. Seven, 10, 13, 17, 21, 28 and 40 for the $2\frac{1}{2}$.

Q. A foot? A. Apiece.

Q. Just read that again? A. Seven for the $\frac{1}{2}$, 10 for $\frac{3}{4}$, 14 for 1-inch, 17 for $1\frac{1}{4}$, 21 for $1\frac{1}{2}$, 28 for 2 and 40 for $2\frac{1}{2}$; 70 off.

Q. Seventy off? A. Somewhere about 70.

Q. So the $\frac{1}{2}$ would be about 3 cents? A. A little over 2 cents.

Q. About 25 cents a dozen? A. Yes, sir.

Q. Now, this was your bid in 1891 and '92: 50 cents a dozen for the $\frac{1}{2}$ -inch, 60 cents a dozen for the $\frac{3}{4}$ -inch, \$1.20 for the 1-inch, 60 for the $1\frac{1}{4}$, \$1 for the $1\frac{1}{2}$, \$1.30 for the 2-inch, 20 cents for the $2\frac{1}{2}$; that was hardly according to list price? A. Not according to list; no, sir.

Q. That was giving you a good price on those that would be called for, where you fixed a large price, and you took your chances upon none being called for of the small priced? A. That is the ones we expected would not be called for; yes, sir.

Q. Now, you changed that in 1892 and '93 to 50 cents for the $\frac{1}{2}$, 55 for the $\frac{3}{4}$, 60 for the 1-inch, 70 for the $1\frac{1}{4}$, \$1 for the $1\frac{1}{2}$ and 2 cents per dozen for the 2 and $2\frac{1}{2}$ each; you profited again by your experience of the year before? A. Yes.

Q. And could afford to still better balance your bid in that year? A. Yes, sir.

Q. Does that list also show the value of tees of the various sizes? A. Yes.

Q. Well, they go by, the larger the tee the higher the price, don't they? A. Yes.

Q. Can you explain how it was in 1891 and '92 you charged \$65 a dozen for 10-inch tees and \$1 for 12-inch tees? A. No, sir; any more than I didn't expect they would be called for, because that was some of the work Mr. Birkett did there.

Q. Haven't any doubt that Mr. Birkett did this work too; that is what I want to get at; I simply want to get at the fact? A. What I meant, Mr. Hirsh, was that he did the work at St. Johnland, where the large pipe was used, the large fittings were used.

Q. Now, in 1892 and '93 you change the bidding somewhat from 1891 and '92; in 1891 and '92 you charge \$15 a dozen for the 6-inch, \$50 a dozen for the 8-inch, and \$65 a dozen for the 10-inch, \$1 a dozen for the 12-inch; in 1892 and '93 you charged \$8 a dozen for the 6-inch, or a difference of \$7 a dozen; \$14 a dozen for the 8-inch, or a difference of \$36 a dozen; \$60 a dozen for the 10-inch, a difference of \$5; \$14 a dozen for the 6-inch, 5 cents a dozen for the 8-inch, \$60 a dozen for the 10-inch, and 5 cents a dozen for the 12-inch; was it Mr. Birkett's work and experience at St. Johnland that changed this bidding also? A. I can't say why it was done.

Q. Well, what was the cause of this immense change; there must have been some cause? A. I can't say why it was done now.

Q. Haven't you any memory on the subject? A. Not that, no, sir.

Q. The only thing that you can say is, that it was done for the pur-

pose of balancing that bid? A. And getting the contract, yes, making the bids suitable to get it.

Q. Well it was to balance the bid so that you could get the contract? A. Yes.

Q. That same difference appears in the nipples, the plugs, the elbows and the bushing, exactly those immense differences; were they all caused by the same thing? A. Yes, sir.

Q. That is, by Mr. Birkett's having the contract at St. Johnland and being able to tell from experience whether or not these articles would be called for? A. By Mr. Birkett putting in the work at St. Johnland, and the fact of knowing that they were all right, and taking the chances on that they wouldn't burst or split.

Q. That is, you assumed that all these articles called for in this class were for repairs? A. Yes, sir.

Q. And as Mr. Birkett had done the work at St. Johnland where these things might be used, and knowing that he had done the work well and that no repairs would be needed that year, you could bid in this way for those articles? A. Yes, sir; that is, you take the chances in case—if anything should happen, an accident or anything, he would have to furnish them; but then took the chances on that.

Q. How about steam pipe, Mr. Curtin; do you deal in that? A. Yes, sir.

Q. Well a very large difference appears in that item in 1891 and '92; do you know what the cause of that was? A. No, sir.

Q. What was steam pipe worth? A. Well, I can't call to mind now; there has been about three or four different lists since that time.

Q. Well they have not varied a great deal have they? A. Yes, a considerable.

Q. Varied how much a foot? A. Well, I couldn't say how much; they are changing around lists and discounts in everything; I can give you about how it stands to-day.

Q. Well, what is the cost of steam pipe to-day? A. What size?

Q. From $\frac{1}{4}$ to 12-inch? A. One quarter—let's see $5\frac{1}{2}$ cents; 3-8 the same; $\frac{1}{2}$ -inch, 7 cents; $\frac{3}{4}$, $8\frac{1}{2}$ cents; 1 inch, $11\frac{3}{4}$ cents; $1\frac{1}{4}$, $15\frac{1}{2}$ cents; $1\frac{1}{2}$, 26 cents; 2-inch, 35 cents; $2\frac{1}{2}$, 52 cents; 3-inch, 68 cents; $3\frac{1}{2}$, 81 cents; 4-inch, 95 cents; $4\frac{1}{2}$, \$1.25; 5-inch, \$1.42; 6-inch, \$1.85; 7-inch, \$2.45; 8-inch, \$2.95; 9-inch, \$3.75; 10-inch, \$4.75; 11-inch, \$6; 12-inch, \$7.

Q. Discount of 70 per cent. off? A. Well, the discount varies; take the discount on small pipe, from $1\frac{1}{4}$ down, from $1\frac{1}{8}$ to $1\frac{1}{4}$, is about 62 cents, and on the other 70 cents.

Q. On the larger sizes 70, and on the other 62 off? A. Yes, sir.

Q. Well, how did you come to figure 2 cents a foot on the $\frac{1}{4}$, 4 cents a foot on the $\frac{3}{8}$, 3 cents on the $\frac{1}{2}$, 4 cents on the $\frac{3}{4}$, 7 cents on the 1, 6 cents on the $1\frac{1}{4}$, 10 cents on the $1\frac{1}{2}$, 13 cents on the 2, 16 cents on the $2\frac{1}{2}$, 45 cents on the 3, 50 cents on the 4, 10 cents on the 6, 4 cents on the 8, and 5 cents on the 10 and the 12? A. Any more than the same as before, on the fittings.

Q. That is, you took your chances on those lower priced ones not to be called for? A. Yes.

Q. But in that year, you had no guide as to that, did you Mr. Curtin? A. No, sir.

Q. The following year you bid \$2.20 a foot for the kind that you the bid 5 cents a foot in 1891 and '92. Do you know whether you were caught napping on any of that kind of— A. Apparently so.

Q. Apparently so, that you furnished some few at 5 cents and put up the price to \$2.25 the following year? A. Yes.

Q. Do you know whether \$2.25 gave you a good profit? A. What size were they?

Q. Ten inch? A. Well, by the price at the present time, \$2.25 would be a good profit.

Q. Gave you a good profit? A. Yes, sir.

Q. Does your price list also speak of galvanized pipe? A. Yes, sir.

Q. From $\frac{1}{2}$ -inch to 3-inch, what was the value of that? A. Well, it

run about 20 per cent. higher than the black, 20 to 25 per cent. higher.

Q. Than the ordinary steam pipe? A. Yes. It is the same kind of pipe, except galvanized.

Q. Well, the ordinary steam pipe, you charged 45 cents a foot for, in 1890 and '92, and the galvanized pipe, which you say was higher you charged 2 cents a foot for the 3-inch; how can you reconcile that this being a higher priced pipe? A. I couldn't say.

Q. Don't attempt to reconcile it do you? A. No, sir.

Q. That was another of those items that you balanced you bid upon; now, Mr. Curtin, there are hundreds and hundreds of these items in your class, in the class which you were successful bidders on; if the schedule had only contained the items that would be called for, not items that you guessed on, or figured on, wouldn't be called for, the county would have profited greatly on by the manner of bidding, wouldn't it? A. I think they would; I can't say positively, I think they would.

Q. Well, don't you know they would? A. If they called for it actually, yes, sir, they would; if they called for actually what they wanted.

Q. If they called for only the items that you figured on, you as contractor figured on, would be called for, instead of putting in items that you figured on, they would not call for, and thereby balancing your bid, the county would have been greatly in pocket, wouldn't it? A. I think they would.

Q. Don't you know they would? A. I couldn't say positively, but I am almost sure they would.

Q. Isn't it the easiest thing in the world, Mr. Curtin, to figure that if the county had only bid or asked for bids, upon items that they knew would be called for, as you figured they would call for, and not on the items that you were able to underbid others by figuring, that they would not be called for — A. Yes, I catch the drift of it now; yes, sir.

Q. They would get the items at a very much lower rate, wouldn't they? A. Well, they would get it some more; I couldn't say how much lower; they would get it lower anyway.

Q. All the items to which I have called your attention here already, that would apply to? A. No, sir.

Q. Why not? A. Because they called for a number of things that we were low on; I can't say what now, but I know that at different times there were quite a few different things called for.

Q. But most of the items my criticism would apply to? A. Yes, sir.

Q. So that whoever it was that got up these schedules, if he had wanted to get them up in the interests of a contractor who was a good guesser, he couldn't have done much better, could he, Mr. Curtin? A. Hardly.

Q. Are you a bidder for any county supplies? A. Not yet.

Q. Do you know whether Mr. Birkett is a bidder, has been a bidder since 1894, successful bidder? A. Since 1894? well, I couldn't say this year; last year he was.

Q. You mean under the schedules of 1893 and 1894? A. Eighteen hundred and ninety-four, last year—the full schedules come out in the middle of July, generally.

Q. They begin on July, yes—that would be 1894 and 1895? A. Be in August 1st—they come out in July, generally about the 15th.

Q. You say he was a bidder in the schedule of 1894 and 1895? A. They called somewhere around that time for some small odds and ends—they have made two or three different bids since; I recollect they called for some electrical goods last fall—I know there was two or three different bids taken last fall; one in August, and one in—

Q. You mean under the emergency clause? A. No, sir.

Q. Under the schedules? A. I think it was July they had bids on—either July or the first part of August, bids on certain class of goods, a certain amount?

Q. And was Mr. Birkett a successful bidder that year? A. Yes, sir.

Q. On the same class, and to the extent, that he was the year before? A. No, sir—cut down.

Q. Anywheres near to the extent that he had been the year before? A. No, sir.

Q. You mean some small items he was successful on? A. Yes, that is the class that was got up at the time.

Q. Did you ever figure, while you were with Birkett, how much he made on any of these contracts he had with the county? A. No, sir.

Q. Anybody else ever figure? A. No, sir.

Q. Did you ever have a loss on any of these contracts, on the whole contract? A. At the end of the year?

Q. Yes? A. It was never figured up.

Q. Never figured it up? A. No, sir.

Q. Didn't you ever have any curiosity to know how your bids panned out at the end of the year? A. No, sir.

Q. Nobody else in your place had any such curiosity? A. Nobody ever looked into it to my knowledge.

Q. Did you figure when you made up your bid and put in these catch items, or speculative items, or balance bids, if the county should only take the things that you figured they would take, and would not take the things that you figured they wouldn't take, how much of a profit would accrue to you? A. Never figured up.

Q. Never did that at all? A. No, sir.

Q. You never had any curiosity to know when you put in a bid how much you would make if you were successful? A. No, sir.

Q. And after you were through with the contract you never had any curiosity to know how much you did make? A. No, sir; at that time I never had any chance, because with the St. Johnland work going on I had my hands full of other things and I couldn't follow details.

Q. Were you never asked to make up those figures? A. No, sir.

Q. Mr. Birkett's two sons are in the business with him? A. Yes, sir.

Q. Did they ever help you to make up these bids? A. No, sir, not to my knowledge; I don't think they did; they may have glanced over some of the details, but as far as I can call to mind they did not.

Q. What do you call glancing over details? A. They may have gone, on some few odds and ends, they may have gone around getting prices on some parts of it.

Q. Get prices from other manufacturers? A. Yes.

Q. Upon articles that you don't deal in yourself? A. Yes.

Q. They never went around trying to get information? A. No, sir; not to my knowledge.

Q. Did you ever know Mr. Kirby? A. I have met him several times; I recollect one night I stopped to his house at St. Johnland after paying off; that is about, I think, about 1892 or 1893, along there.

Q. You stopped at his house at St. Johnland—stopped over night? A. Yes, sir.

Q. Treat you well? A. Well, gave me supper; I was working up till 10 o'clock that night getting pay-rolls out; the timekeeper had the thing mixed up and I had to stay there to straighten it out.

Q. Who had things mixed up? A. Our timekeeper.

Q. Your timekeeper? A. Mr. Birkett's timekeeper had the time mixed up, and I had to stay there all night to straighten it out, paying the men off.

Q. What were you doing at St. Johnland? A. I think it was the reservoir—paying off there.

Q. Which reservoir was that? A. The old one—the one down near—

Q. The one under the hills, where the hills lead into the reservoir—the storage reservoir and all that? A. Called the storage—

Q. Did Mr. Birkett construct that reservoir? A. Yes, sir.

Q. And it was Freel that constructed the other reservoir? A. I believe it was.

Q. So it was at that time you met Kirby—is that the only time?

A. Yes; I may have met him in the street since—I won't say that.

Q. Did Mr. Kirby ever make any suggestion to you as to the schedules and prices? A. No, sir.

Q. Did you know Mr. Lamb— A. Yes.

Q. The assistant steward at St. Johnland? A. No, not at St. Johnland—no, sir.

Q. Did you know Mr. Lamb, the clerk of the department? A. Yes, sir.

Q. He never made any suggestions to you? A. No, sir.

Q. How long did you know Mr. Lamb? A. I think, my recollection, when he was supervisor; I think he was supervisor then; he held an official position, I know.

Q. And did you know Billy McLaughlin? A. Yes, sir.

Q. Know him well? A. Well, fairly well, being in the fourth ward

Q. He was the Assemblyman from your ward, wasn't he? A. Yes, sir.

Q. And did you ever have a talk with him about the schedule? A. No, sir.

Q. Or the articles that might be used down there? A. No, sir.

Q. Or he with you? A. No, sir.

Q. Did he ever make any suggestions to you that you were having a pretty profitable contract? A. No, sir.

Q. Nothing of that kind? A. No, sir; never had a word to say with him except when I went down to hurry the bills along, when there was any bills hanging fire there, as sometimes there was; I know several times I had to go to Flatbush to shape them up.

Q. What was the cause of bills hanging fire? A. Well, I think that the charity folks told them to hold them back, as near as I can recollect now, because the funds were kind of short at the time.

Q. They were not held back in order to see what your corporation would do about it? A. Not to my knowledge.

Q. They weren't held back for the purpose of having somebody go and see McLaughlin ? A. No, sir.

Q. Did you know any of the superintendents at all ? A. No, sir.

Q. None at all ? A. No, sir.

Q. None of the doctors ? A. I know Doctor Arnold, superintendent now ; went with him once to St. Johnland, that is all I know of him ; and then Dr. Dewing, down at St Johnland, I met him once or twice ; outside of that, nobody.

Q. How often were you in the habit of visiting the county institutions ? A. Well, which place, St. Johnland or—

Q. Any of them ? A. St. Johnland, I used to go there every two weeks to pay off ; that is, at different times.

Q. After you got through with the reservoir, how often did you go ? A. Never went there after that.

Q. And the other buildings, how often did you go to them ? A. I don't think I was there over a half a dozen times, just on account of business.

Q. In all those years ? A. Yes, sir.

Mr. Schulz.—This committee will stand adjourned until to-morrow at 10 o'clock.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON
AFFAIRS OF CITIES AT A MEETING HELD TUESDAY
MORNING, AUGUST 13, 1895, AT THE COURT HOUSE,
BROOKLYN, N. Y.

Present—Messrs. Schulz, Whittet and Keenholts, of committee.

Mr. Hugo Hirsh, of counsel.

William H. Curtin, having been recalled for further examination testified as follows :

Examined by Mr. Hirsh :

Q. Mr. Curtin, do you know what brass water gates are ? A. Yes, sir.

Q. Do you deal in them? A. Yes, sir.

Q. Do you know what they were worth in 1891 and 1892? A. I can't say exactly about that.

Q. Do you know what they are worth to-day? A. Pretty close.

Q. What are they worth? A. What size?

Q. How? A. What size are they?

Q. Four and 6-inch. A. Is it brass or iron body?

Q. Water gates with hubs—wait a moment and I will give it to you—brass gates, 2-inch; that is all it says. A. They list at \$7.50, some styles.

Q. That size? A. The 2-inch.

Q. And other styles? A. Well, it depends on what size they are; there are different makes; they have different lists and different discounts, but ordinarily some list at \$7.50, 2-inch, and about 65 to 70 off.

Q. What are they used for, do you know? A. On water works—some sometimes on steam.

Q. How much did you say they were worth again, Mr. Curtin? A. Seven dollars and fifty cents less—

Q. Less how much? A. Sixty-five to 70 per cent. depending upon the kind; others have different lists and different discounts.

Q. That would be about \$2.50? A. Somewhere in that neighborhood.

Q. Two dollars and fifty cents would be \$30 a dozen, wouldn't it? A. Yes, sir.

Q. Well, do they fluctuate in price? A. They change once in a while.

Q. Very much? A. Not very much; no, sir.

Q. Well, you charged \$50 a dozen for them in 1891 and 1892; you know how it was that this particular item was changed in the schedule from reading so much each to so much per dozen? A. No, sir.

Q. Do you know whether any of the contractors, or you, were ever

consulted with reference to the manner in which these schedules should read? A. No, sir.

Q. Nobody ever talked to you about it? A. No, sir.

Q. Or you to them? A. No, sir.

Q. You were also dealers in charcoal, were you not, Mr. Curtin?

A. Yes, sir.

Q. A great deal of charcoal is used in the institutions, is it not?

A. I think there was quite considerable.

Q. Well, there is no material increase or fluctuation in charcoal, is there? A. No, sir; there is no great change.

Q. Charcoal is charcoal every year, the same, is it not? A. Yes, sir.

Q. Do you know what that is worth to-day? A. Not to-day; no, sir.

Q. In 1890 and 1891 charcoal sold for 60 cents a barrel; you charged \$1 a barrel in 1891 and 1892; do you know whether 60 cents or \$1 a barrel was nearer the fair market value. A. At that time the price was somewhere around 70 cents a barrel.

Q. Seventy cents? A. Yes, sir.

Q. That is the ordinary price? A. Yes, sir.

Q. And when you got 30 cents more you got a very good profit?

A. Yes, sir.

Q. When you speak of the fair market price of an article, Mr. Curtin, you refer to that price which you would get in your own place if they came in there to buy—what you consider a fair price? A. What I could get; yes, sir.

Q. Well, you don't mean to say that you would charge 100 per cent. profit and then if anything was said about it to whittle it down to another per cent.? A. No, sir; I have one price.

Q. So you don't mean to say you charged what you could get for it, but you charged a fair percentage of profit? A. Yes, sir.

Q. That is about it? A. Yes, sir.

Q. And when you have fixed that one price that you consider a fair market price for it? A. Yes, sir.

Q. But in your prices to the county you did not figure that way? A. I believe not as far as the figures read; I can't recall how they were made.

Q. Your attention has been called to the high and the low prices? A. Yes, sir.

Q. The high figures are not the same as charged in your store, and the low figures certainly are not; that is true, is it not? A. Yes, sir.

Q. Was your corporation a dealer in marble slabs? A. Well, they dealt in all kinds of supplies; that covers all kinds of slabs — everything, in fact.

Q. All kinds of supplies? A. Yes, sir.

Q. But these marble slabs had to be ordered, didn't they? A. They had to be made to order of the size wanted.

Q. Marble slabs with one holder in basins, sides and backs, as per sample—those you had made for the trade? A. Got them made by the marble manufacturers—marble makers.

Q. Do you know what they cost? A. That would depend on the size; it comes so much a cubic foot, or so much a square foot, I should say.

Q. They are advertized in 1891 and 1892 at so much per dozen—how did you get at the price per dozen? A. Well, as I said, they were per sample; I must have seen the size—that is, to get at the cost; get at the size of them and figure up so many square feet in the slab and so much per foot.

Q. What is your idea, now, that such a slab would be worth—you must have some idea? A. I have an idea—I can tell you about.

Q. Yes? A. I should judge about \$8 or \$9 apiece.

Q. So that the bidder of 1890 and 1891, who bid \$100 a dozen, was within the price—the fair price—as you figure it now? A. Yes, sir.

Q. But when you bid \$2 a dozen in 1891 and 1892 you were not anywhere near it? A. Not quite, no.

Q. No; can you tell how you arrived at any such figure as that? A. No.

Q. Can you tell this, Mr. Curtin, how it was that on items like these that amounted to a great deal, to quite a sum, park urinals and other items to which I have called your attention, that amounted to quite considerable sums, which would affect the entire class to a large degree—how it was that you and your corporation, or more properly speaking you and Mr. Birkett, were able to guess so correctly? A. I can't say now, sir.

Q. Are you looking to be a bidder for county supplies? A. I expect so.

Q. Of course with your great experience with Mr. Birkett and your ability to guess so well you expect to be successful? A. I will try.

Q. Now, it is obvious from your bidding on this matter of marble slabs that you thought \$2 a dozen for what was worth \$100 was not quite low enough, and in 1892 and 1893 you and Birkett guessed again and reduced it to 10 cents a dozen; how did you arrive at that, Mr. Curtin? A. I suppose that year by the fact of none being called for the previous year.

Q. Yes. What were these marble slabs supposed to be for? A. To use in marble basins similar to what is in the corner there.

Q. Like those in the corner of the court room? A. Yes, sir.

Q. Were there any places like that in any of the institutions fitted for those marble slabs? A. I couldn't tell you.

Q. You never looked? A. I went out and made inquiries as to the size as per sample, but whether I went to look I couldn't say; they had a number of samples at headquarters of the goods, and I couldn't say where I got the information at the time.

Q. Is it not a fact that you went to the institutions and found out there was not any place for marble slabs and thereupon you concluded they were not going to order any? A. I couldn't say now.

Q. You don't recollect that, do you? A. No, sir.

Q. But you took every means to find out all about the various articles that were in your class there that you were bidding for—to find out whether they were going to be used? A. I couldn't say now what means I took.

Q. I say you took all the means within your power to find out all that you could? A. I can't call to mind what I did all the time, any more than the bid was made up by Mr. Birkett; whether I made all the efforts to find out, I couldn't say how it was.

Q. You mean that you have positively no recollection about it at all? A. I don't recollect the details; no, sir.

Q. The details? A. No, sir.

Q. Mr. Curtin, you recollect this, however, that whatever detail it was, whether it was making inquiries in one place or making inquiries in another place, or whether it was consulting with Mr. Birkett or anybody else, the result was that you became a successful bidder? A. Yes, sir.

Q. Yes; now, you say you expect, in the near future, to become a successful bidder in the same department, and don't you expect to make use of similar means to become a successful bidder? A. If they bid that way; yes, sir.

Q. Now, if you don't recollect what you did then, how do you expect to make use of similar means? A. I can't tell you till the time comes.

Q. How will you be able to refresh your recollection as to what you did at that time? A. I can't say that.

Q. You can't say that? A. No, sir.

Q. You don't like very much to give away the secrets of successful bidding, do you, Mr. Curtin? A. I have got no secrets or nothing to give away.

Q. This marble slab business was only one of the incidents to which you have already testified of a balanced bid? A. Yes, sir.

Q. Now, those marble slabs appear upon the same page of the same schedule as the park urinals, at 50 cents a dozen and 5 cents a dozen ; those two large items affect that class considerably, don't you think, Mr. Curtin ? A. Yes. sir.

Q. Do you know what Moss Twist Drills are ? A. Yes, sir.

Q. What are they ? A. They are drills used for drilling iron or different materials.

Q. What is that ? A. They are drills used for different materials, making holes in them.

Q. How do they come, in blocks, or are they sold by the dozen ? A. Different ways—some by the dozen.

Q. What is meant by a block of drills ? A. As near as I can recollect some small sizes come on a block—for very small work.

Q. Is there a difference in the price when you buy them by the block or by the dozen ? A. Well, I can't recollect that.

Q. Do you know whether there is any great fluctuation in Moss Twist Drills ? A. No, sir.

Q. There is not ? A. Not to my knowledge.

Q. In 1891 and 1892 you bid \$10 a block for them, and in 1892 and 1893 you reduced that to \$6 a block ; do you know how that came about ? A. No, sir.

Q. Well, right underneath that item in the schedules and bid is a matter of hair felting ; what is that worth ? A. As near as I can recollect—hair felting, is there not something else to it ?

Q. Hair felting, one inch thick, covered with best canvas and sewed together in best manner to cover 2,000 feet of steam pipe from 1 to 12 inches ? A. I can tell you what it is worth a foot about ; it is worth about 6 cents a square foot, that is the hair felting alone ; then there is canvas, and I think there is paper with it ; that is to go on steam pipes ?

Q. What is that ? A. That is to go on steam pipes ; then there is asbestos paper with it.

Q. What is it worth when completed as mentioned in this schedule?

A. I can't recollect.

Q. Well, about? A. I should judge a square foot, 9 or 10 cents.

Q. Nine or 10 cents? A. Yes, sir.

Q. Canvas and all? A. Yes, sir.

Q. In 1891 and 1892 you bid one-half cent a foot for it, and in 1892 and 1893 you bid 20 cents a foot, and these items come immediately beneath the items of marble slabs, Moss Twist Drills and park urinals; if 9 or 10 cents was a fair price then 20 cents was an immensely large price for it? A. Yes, sir.

Q. And putting that together with the marble slabs and the park urinals, would show that one item was made to balance another? A. Yes, sir.

Q. In other words one item was put ridiculously low, and the other very high? A. Yes, sir.

Q. So that the one article if purchased would give you an immense profit, and the other, if not used at all, would permit you to balance your bid in that way? A. Yes, sir.

Q. Is that right? A. Yes, sir.

Q. From an ethical standpoint, do you consider that is a fair method of bidding? A. Couldn't do otherwise.

Q. What is that? A. Couldn't do otherwise.

Q. Why? A. Because the bids were made that way for years.

Q. Do you mean to say that an honest man, a real honest man, who was not up to the peculiar guile of a contractor who had information, or could figure — but the honest bidder, who saw these schedules for the first time, and wanted to bid fairly and honestly, believing that each article was advertised for honestly, he had no show in that at all? A. No, sir.

Q. None whatever? A. No, sir.

Q. But he had to stack up first against the man who had experience, and who knew the peculiarities of the commissioners, and the chief

engineer, and what was in use, and what was not in use—he, of course, had the advantage? A. I couldn't say as regards all; there are quite a few parts put to it.

Q. Well, how will you put it; I will take your word; give us the distinction between the real honest bidder, and the man who was thoroughly acquainted with the goods used in the department? A. Well, all there is to it, the experience I had of the methods prevailing, he would have had no show at all; I think there was several years we bid on it, and from year to year we got on to different facts.

Q. That is, before you became thoroughly impregnated with the peculiarities of the bidding in that department, you couldn't catch on? A. That is the idea.

Q. What peculiarities did you catch on to first? A. I couldn't say.

Q. Give us an idea? A. I can't call to mind—there is so many details.

Q. Didn't you notice that there were a lot of things advertised for and bid upon that were not called for? A. Yes, sir.

Q. You didn't go and say, "Here, Mr. Commissioners, I see you are doing wrong by the county; you are advertising for articles never called for, and this gives an opportunity to contractors, who take advantage of it;" you didn't do that? A. No, sir.

Q. What did you do? A. I don't know as I did anything.

Q. You simply watched and waited? A. Yes, sir.

Q. And you came to the conclusion that you could do as well as the others? A. Yes, sir.

Q. And you stuck to it? A. Yes, sir.

Q. And the only reply that you will make to me, when I ask the question if you considered that an honest method of bidding, is that there is no other way of doing it? A. That is all if you want to get the contract.

Q. But there is another way for the commissioners to do it? A. If they made up the bids properly and made the specifications properly, you wouldn't have to do it.

Q. Do you know whether you dealt in cotton lamp-wick? A. Yes, sir.

Q. What was the cause of the increase of price in cotton lamp-wick of over 100 per cent. from 1889 to 1892? A. I couldn't tell you.

Q. I don't care to take up the time of the committee in going through hundreds of these items; I will ask you one general question and see whether you will give a general answer; in all the cases on the schedules of 1891 and 1892, and 1892 and 1893, where your corporation was a successful bidder, and the items that were bid high upon were accepted and the items that were bid low upon were not called for, were all those prices fixed by you or Mr. Birkett, or both of you, with a design to balance the bid? A. Yes, sir.

Q. And with the idea, either based upon information or figures, that the item upon which the figure was made very small would not be called upon? A. Well, some were called on.

Q. What is it? A. A good many were called on—generally though.

Q. When the figures were fixed low it was with the idea that they would not be called on? A. Yes, sir.

Q. And where they were fixed high it was with the idea that the article would be called for? A. Yes, sir.

Mr. Hirsh.—That is all, Mr. Curtin.

Theodore Steenworth, having been called as a witness and duly sworn by Mr. Whittet, testified as follows:

Examined by Mr. Hirsh:

Q. What is your employment, Mr. Steenworth? A. An engineer.

Q. Where? A. At the boys' high school.

Q. In the city of Brooklyn? A. In the city of Brooklyn.

Q. How long have you been there? A. Three and one-half years.

Q. And where were you employed before that? A. At the county buildings.

Q. Where? A. At Flatbush.

Q. At Flatbush? A. Yes, sir; at Flatbush.

Q. In what position? A. Engineer.

Q. And how long had you been employed there? A. Twenty-four years.

Q. What was your official position at the time you left there — assistant chief? A. Assistant chief.

Q. Under Mr. McCanna? A. Yes, sir.

Q. Do you recollect when he became chief engineer the last time — January, 1890, was it? A. I think it was.

Q. Immediately after Gott, Nolan and Murphy became the commissioners? A. Yes, sir.

Q. He was chief engineer before Shaw was? A. Yes, sir.

Q. Shaw was appointed under Ray and Hynes? A. Yes, sir.

Q. And under Gott, Nolan and Murphy Shaw was discharged and McCanna again appointed? A. Yes, sir.

Q. Do you recollect from, say the beginning of the year 1890, how many mechanics were employed there in your department? A. I can't say.

Q. How many boiler makers were at work there? A. One.

Q. One boiler maker? A. Yes, sir.

Q. And he did all the necessary repairs on the boilers? A. Yes, sir.

Q. While you were there? A. Yes, sir—while I was there.

Q. Do you know whether the other mechanics consisted of a few bricklayers or not in your department? A. I think there was three bricklayers when I was there.

Q. Three bricklayers—now do you recollect any other mechanics there? A. Yes, sir—there were some carpenters.

Q. How many? A. I think there were seven when I was there.

Q. What else, tinsmiths? A. I think there were four or five tinsmiths.

Q. And painters? A. And painters—yes, sir.

Q. Were those all regular employes or did they come there at times? A. They were regular employes at the time I was there.

Q. Where did these various mechanics take their meals? A. At the almshouse.

Q. Where did you take yours? A. At the almshouse.

Q. That was under the administration of Mr. Murray? A. Yes, sir.

Q. When did you leave Mr. Steenworth? A. I think it was in April, 1891, I think.

Q. In April, 1891? A. I think it was—I won't say for certain—I know it was the last of April I sent in my resignation.

Q. How many mechanics were feeding at Murray's table just about the time you left—do you remember? A. I think there must be about thirty-five—I guess.

Q. Altogether, or at one table? A. Well, I don't know whether they all sat at one table or not.

Q. Mr. Murray has testified that he had to set the table two or three times over, having to feed over 100 people—do you recollect anything about that? A. No, sir; I was not in the building at that time.

Q. How many meals did you take there? A. Two.

Q. Morning and noon? A. Morning and noon; yes, sir.

Q. Do you recollect who furnished the coal the last year that you were there? A. I couldn't say.

Q. Do you know whether it was Thomas Patterson? A. I think it was.

Q. Do you know whether he was the agent for the Scranton Coal Company? A. He was the agent for the Scranton Coal Company.

Q. Do you know who supplied the coal after that? A. At the county building?

Q. Yes, sir? A. I think it was Itzen; I think so.

Q. Did you ever hear anything about any money passing between Itzen and some man representing the chief? A. I have heard so.

Q. What did you hear about that, Mr. Steenworth? A. I heard there was some money passed ; I don't know how much it was; \$750 I think ; I heard it down outside here, I think, about two years ago.

Q. Passed from whom to who? A. From the clerk to the chief engineer.

Q. The clerk of Itzen? A. Yes, sir.

Q. Do you know what that was for? A. It must be something about the coal.

Q. For passing the coal? A. Yes, sir.

Q. Did you understand that the coal was short weight, and that the money was paid to pass it in that way? A. That is the way I heard it.

Q. Now, you recollect that Patterson was the agent and had the sole right to sell the Scranton coal here? A. Yes, sir.

Q. And you recollect also that Itzen, who simply had a coal yard, underbid Patterson in his own coal? A. I think so.

Q. You recollect that circumstance? A. Yes, sir.

Q. Yes; how did the coal come while you were there, Mr. Steenworth? A. To the buildings?

Q. Yes, sir? A. In trucks.

Q. Who brought it there? A. Well, there were different truckmen; I couldn't say who.

Q. Did it come from the coal yard from the contractor? A. Yes, sir; it came from the contractor.

Q. And what was done with the coal when it came there? A. It was weighed.

Q. There was a large scale in the yard? A. Yes, sir; that is it.

Q. What yard? A. In the store yard next to the almshouse.

Q. And the trucks were driven on the scale? A. Yes, sir.

Q. And who attended to the weighing of the coal? A. A man by the name of Sullivan, I think.

Q. He was a porter there, was he not? A. Yes, sir.

Q. And where was the coal dumped after it was weighed? A.

Well, to the different buildings — may be sent some to the asylum, and some to the incurables and some to the almshouse.

Q. So that after it was weighed the truckmen received their orders to what institution they were to take it? A. Yes, sir; that is it.

Q. Who kept tally of the amount of coal that was brought there? A. I guess the porter.

Q. That was Sullivan? A. Yes, sir.

Q. Well, was there any mark made on the truck itself after the coal was weighed? A. No, sir; they got a ticket from the office.

Q. From what office? A. From the storehouse.

Q. As to what? A. The weight of the coal.

Q. The weight of the coal and the truck? A. Yes, sir; then when the truck came back it was reweighed.

Q. When the empty truck came back it was reweighed? A. Yes, sir.

Q. So that they were able to tell how much coal was in the truck? A. Yes, sir.

Q. Was it weighed the first time, or every time? A. Every time.

Q. And Sullivan kept the tally? A. Yes, sir.

Q. Did you see anybody else attend to the weighing of the coal besides Sullivan? A. McCarty.

Q. And did Hicks do any of it? A. Hicks was not there at that time.

Q. You say McCarty—he was the assistant storekeeper? A. Yes, sir.

Q. Under McLaughlin? A. Under McLaughlin.

Q. Did McLaughlin ever do any of the weighing? A. I don't know; I can't say.

Q. Was McLaughlin around when the coal was weighed? A. He might have been around; of course I didn't see him every day.

Q. Do you recollect the kind of coal that was sent down there, Mr. Steenworth? A. It was what we call—I can't think of the name.

Q. Pea coal? A. Pea coal; that is it.

Q. Was that good coal? A. Well, it was pretty fair coal.

Q. Did you have any trouble with the coal while you were there?

A. Not while I was there.

Q. There was a good deal of trouble after you left? A. Yes, sir; there was a good deal of trouble after I left.

Q. There was a change in the coal after you left; you understood that, did you not? A. Yes, sir; there was a change.

Q. Which caused considerable trouble both in the heating and the amount used? A. Yes, sir.

Q. Is that so? A. Yes, sir.

Q. You don't want to nod your head, Mr. Steenworth, because the stenographer can't get down a nod? A. All right, sir.

Q. While you were there up to the time you left was there any complaint that you know of about the heat in the institutions? A. No, sir.

Q. None? A. No, sir.

Q. What was the fitness of the various firemen and engineers that were sent there at that time? A. They were all pretty good men.

Q. They were all pretty good men? A. Yes, sir.

Q. Were they all fit for the position they occupied? A. While I was there they were.

Q. All had proper certificates as firemen and engineers? A. Yes, sir.

Q. Do you know whether that also was changed after you left there? A. I couldn't say.

Q. Hadn't you said that they sent engineers there that didn't know their business? A. Well, there were some.

Q. When was that—while you were there? A. After I left.

Q. What is that? A. After I left.

Q. After you left you understood that they did that? A. Yes, sir.

Q. You understood a good many employes and mechanics were sent there to fill up? A. Yes, sir.

Q. Who didn't know their business and didn't do anything? A. Yes, sir.

Q. You understood that? A. Yes, sir.

Q. Do you know or did you know a fireman who was there at the time who drew an engineer's pay but couldn't get an engineer's certificate—McGarrahan, do you recollect him? A. Yes, sir.

Q. Do you know whether he was drawing an engineer's pay? A. He had a certificate when he was a fireman.

Q. He had a firemen's certificate? A. Yes, sir.

Q. But he was drawing engineer's pay; that is so, is it not? A. Yes, sir.

Q. And he is drawing that yet? A. Yes, sir; I believe so—I don't know whether he is there now.

Q. Do you recollect what the condition of the boilers were in the almshouse? A. When I left the buildings?

Q. When you were there—the boilers? A. They were in good condition; they were new boilers.

Q. They had to put in new boilers? A. Yes, sir.

Q. What was the condition before they put in the new boilers? A. Very bad.

Q. Very bad? A. Yes, sir.

Q. How long had they been in that condition, do you recollect? A. Three years to my knowledge.

Q. And about in the year 1890 and 1891 they put in new boilers? A. Yes, sir; about the year 1890 and 1891 they put in new boilers.

Q. Who helped put those in—mechanics of the department? A. No, sir; that was contracted out.

Q. That was a contract? A. Yes, sir; the mason work was contracted out.

Q. Do you recollect what the condition of the boilers in the hospital were at the time you left there? A. They were in good condition.

Q. Were they also new ones? A. No, sir; they had been there 16 years; they were in good condition.

Q. Are you referring to the 3 boilers in the hospital or the 4 boilers in the hospital for incurables. A. The 3 boilers in the hospital.

Q. How about the others? A. In the incurables?

Q. Yes, sir. A. They were in good condition; there was 2 of them new ones, about three or four years old before I left there.

Q. Do you recollect what the plumbing was in the hospital when you left there? A. It was in good condition when I left.

Q. It was in good condition when you left there? A. Yes, sir.

Q. Did you have cause to go through and look at the plumbing? A. Once in a while.

Q. How often? A. Maybe once a week.

Q. You went through for the chief to see the condition of the plumbing? A. Yes, sir.

Q. Was that part of your duty? A. Yes, sir.

Q. It has been testified to here by the chief sanitary engineer of the department of health of this city that the plumbing in the hospital is in a horribly shocking condition; then you say it must have got into that condition after you left? A. About five years before I left there it was put in brand new, from top to bottom.

Q. That would make it about 1886? A. Yes, sir; I think that the plumbing was all put in new at that time—all the old plumbing pulled out at that time.

Q. Did you examine the traps and the closets in the various places and where pipe is apt to get out of order before you left? A. Yes, sir.

Q. And you found it in fair condition? A. Yes, sir; I found it in fair condition.

Q. Did you find the various places in and about the hospital clean or filthy? A. Clean.

Q. Who was in charge of the hospital when you left there? A. I think Doctor —— ; I can't think of the doctor's name now; he used to be in the small pox house.

Q. Doctor Arnold? A. No, sir.

Q. Doctor Macumber? A. No, sir.

Q. Doctor Harrison? A. No; he is now the head doctor at the pest house; I can't think of his name.

Q. Doctor Duryea? A. That's the man.

Q. Doctor Duryea? A. Yes, sir; that is the man.

Q. And you say the hospital at that time was clean? A. It was clean.

Q. Do you recollect also whether the nurses were fairly sober or didn't you come in contact with them? A. I never came in contact with the nurses.

Q. Did you know McCanna very well? A. McCanna?

Q. Yes, sir; the chief? A. Yes, sir.

Q. Did you know what his financial condition was when Gott, Nolan and Murphy were commissioners? A. I heard, someone made a remark that he was worth \$175,000.

Q. At that time? A. So I heard.

Q. At that time, in 1890? A. So I heard.

Q. Are you listening to me Mr. Steenworth? A. Yes, sir.

Q. In the beginning of 1890 you heard he was worth that amount of money? A. Yes, sir.

Q. Or when Gott, Nolan and Murphy went out? A. No; at that time in 1890.

Q. How long had he been there then? A. In the county building you mean?

Q. Yes, sir. A. I should judge 27 years altogether.

Q. But he was appointed in 1890 again? A. Yes, sir.

Q. And you say you understood he was worth that amount of money when he was reappointed? A. Yes, sir.

Q. You are sure about that? A. I heard so.

Q. Do you know when Nolan was appointed? A. The commissioner?

Q. Yes, sir. A. In 1890.

Q. Didn't you state that you understood that when Nolan was appointed and McCanna was reappointed, that McCanna, was worth comparatively a little—a poor man? A. No, sir.

Q. Didn't you state that to Mr. Kemble when he inquired of you? A. That he was a poor man?

Q. Yes, sir? A. That must have been a mistake there.

Q. Do you recollect the fact that certain improvements were made in McCanna's house? A. I have heard so.

Q. By county employes? A. By county employes.

Q. And that county materials were used in this house? A. Yes, sir.

Q. Do you know what that material consisted of? A. Well I think it was lead pipe; I think a bath tub, and a water-closet, I think, as far as I heard.

Q. Do you know whether county employes, such as carpenters and plumbers, were working in this house? A. I heard there was a plumber and a carpenter working there.

Q. That was Connolly and Murphy? A. Yes, sir.

Q. Do you know whether they helped to build the extension to his house? A. I don't know; I can't say.

Q. You know an extension to his house was built there? A. Yes, sir; after I left the place.

Q. That was after you left? A. Yes, sir.

Q. He lives on Clarkson and Rogers avenue? A. Yes, sir.

Q. Wasn't there a very large wide sidewalk laid around his house? A. Yes, sir.

Q. A cement sidewalk? A. Yes, sir.

Q. Did you know or hear whether it came from the county buildings or not? A. I couldn't say whether it did.

Q. Did you hear anything about it? A. Yes, sir; I heard something about it.

Q. Well, what did you hear? A. Well, I heard that people made the remark that the cement came from the county buildings.

Q. Who made the remark? A. Outside people.

Q. Not inside? A. No, sir; people outside.

Q. This bath tub that went to his house was taken there by Thompson, was it not? A. Yes, sir.

Q. You knew about that while you were there? A. No, sir; I was out of the building at that time.

Q. How did you hear it? A. I heard it out in Flatbush.

Q. From whom? A. From a party out there.

Q. In the building? A. No, sir; outside of the buildings.

Q. What was Thompson's position? A. Assistant teamster.

Q. That was the time you also heard that Connolly and Murphy and Altenbrand were doing work at Gott's house? A. Yes, sir, I was in the buildings at that time.

Q. You were in the buildings at the time the work was done at Gott's house? A. Yes, sir.

Q. And did you see Connolly leave the county buildings with the materials for Gott's house? A. Yes, sir.

Q. Did you ask him about it? A. Yes, sir.

Q. What did he say? A. He said he was going down to Gott's house.

Q. Did he suggest that he had been there before and was going again? A. No, sir.

Q. What was he taking down to Gott's house? A. Some lead pipe

Q. Did he say what the work was to be done there? A. No, sir; he never told me.

Q. You knew Newman, the plasterer, too? A. Yes, sir.

Q. He worked at Gott's house? A. Yes, sir.

Q. That is while you were there? A. Yes, sir.

Q. That was a matter of general talk in the department there, was it not? A. Yes, sir; everybody knew it.

Q. And it was while you were there that the wash tubs were made for Gott by Altenbrand? A. Yes, sir.

Q. You knew that at the time, did you not? A. Yes, sir.

Q. Do you recollect the circumstance of a lot of plumbing material mysteriously disappearing from the county buildings at any time, Mr. Steenworth? A. No, sir.

Q. You don't recollect that? A. No, sir.

Q. Are you quite sure? A. I am quite sure.

Q. Do you recollect Mr. Hanna? A. I know the gentleman.

Q. Do you recollect his coming to your house late one night in a carriage? A. To my house?

Q. Yes, sir. A. He didn't not come to my house in a carriage.

Q. With reference to certain plumbing material that had disappeared? A. I am certain he did not come.

Q. Do you recollect the circumstance of Mr. Hanna being very much perturbed about certain plumbing material disappearing. A. I heard something about it.

Q. What is there about that? A. I don't know.

Q. You say you know something about it? A. I heard something of it.

Q. What is that? A. I heard that there was some material had disappeared from the buildings.

Q. That was while you were there? A. I guess it was just before I left.

Q. What did you hear about the disappearance of the material, Mr. Steenworth? A. Well, I heard that the material disappeared and no one could find it.

Q. What was the material? A. There was different little articles.

Q. Well, what did they consist of? A. Well, I couldn't hardly say now.

Q. Well, as near as you can recollect? A. There was some pipe, some piping and some lead traps, different little articles.

Q. When you say different little articles do you refer to that as a matter of value, that they were simply trifling, or amounted to quite considerable? A. I couldn't say how much they amounted to.

Q. Don't you know there was quite some excitement there about the disappearance of those articles? A. There was at that time.

Q. And did Hanna come to see you about it? A. He never came to my house to see me.

Q. I have got over the house question; did he come to see you about it, whether he came to your house or elsewhere? A. He didn't come to see me.

Q. Who did he come to see? A. I don't know.

Q. Do you know of his coming to see anybody? A. He was at my house, but I was not in.

Q. So he did come to your house? A. I was not in.

Q. Well, he came there one night, did he not? A. It was about 8 o'clock.

Q. Did he come in a carriage? A. No, sir.

Q. How did he come? A. He must have come up in a car.

Q. You didn't see him at all? A. I didn't see him at all.

Q. And you don't know what he came about? A. I don't.

Q. He didn't leave any word for you? A. No, sir.

Q. Did he talk to you afterwards about it? A. Afterwards—I didn't see him afterwards.

Q. You never saw him after that? A. Oh, I saw him two weeks after that, I guess.

Q. Did he say anything to you? A. No, sir.

Q. Did anybody else say anything to you about it? A. No, sir.

Q. Just think a moment; nobody else said anything to you about the disappearance of these materials? A. It was the general talk through the almshouse there.

Q. Did the superintendent speak to you about it? A. Mr. Murray?

Q. Yes sir. A. No, sir—he did not.

Q. Did the chief engineer? A. Yes, sir—I think he did.

Q. What did he say? A. He wanted to know where it went to, and I told him I didn't know.

Q. Did anybody know where it went to? A. I don't know.

Q. Did you make inquiry? A. I inquired about it.

Q. What did you find out? A. I didn't find out anything.

Q. Mr. Steenworth, has anybody said anything to you or written anything to you or your daughter regarding this investigation? A. No, sir.

Q. And regarding what you should or should not testify to here? A. No, sir.

Q. You have received no communication? A. No, sir.

Q. Verbally or written from anybody? A. From nobody.

Q. Do you know Mr. Cunningham? A. The chief engineer?

Q. Yes, sir. A. Yes, sir.

Q. Have you received any communication from or through him regarding your being a witness here? A. About my being a witness; I went down and told him I was going on the stand.

Q. And did he say to you that you should not volunteer anything? A. No, sir; he did not say that.

Q. Anything like it? A. No, sir.

Q. Was anything said to you regarding that you should be careful as to what you should testify to? A. All he said was that I must be careful.

Q. Do you recollect any work done on Nolan's house? A. No, sir; I do not.

Q. You never heard anything about that? A. I have heard a story about it.

Q. What was the story? A. That there was galvanized leaders made for his stable.

Q. Made for what? A. Made for Nolan's stable.

Q. Anything else? A. That is all I know.

Q. And those were made in the county buildings? A. Yes, sir.

Q. By county employes? A. Yes, sir.

Q. You say you had been there for 24 years? A. Yes, sir.

Q. At the time you left? A. Yes, sir.

Q. Do you know whether there was any change in the food or general supplies about the time you left, from what it had been theretofore? A. No, sir; I didn't take notice.

Q. You didn't take notice of it? A. No, sir.

Q. When Mr. Cunningham told you to be careful, did he say anything to you as to what you should be careful about? A. No, sir; he did not.

Q. Did he say anything to you as to who suggested that he should tell you about it? A. No, sir; he did not.

Q. Do you know whether that message to you, that you should be careful in your testimony here, was sent to you by the leaders of the Democratic party, or any of them? A. No, sir; it was not.

Q. How do you know that? A. Why, don't I?

Q. Practically you know nothing at all about it? that is so, is it not? you don't know how that came to be told to you, or why? A. There was nothing told to me that way.

Q. Did Mr. Cunningham say anything else to you regarding this investigation? A. No, sir; he did not.

Q. Had you been appointed, or did you know that you would be appointed engineer at the high school, when you sent in your resignation? A. I got the appointment before I resigned; as soon as I got the appointment I sent in my resignation.

Q. Did you ever go to St. Johnland? A. When Shaw was there, I did.

Q. When Shaw was there? A. When he was the chief engineer?

Q. After McCanna's appointment, did you go there at all? A. No, sir; never went there.

Q. You had nothing at all to do with that part? A. No, sir.

Q. Mr. McCanna went there alone? A. Yes, sir.

Q. Well, who was the assistant chief at St. Johnland? A. I think a man by the name of Smith at that time.

Q. And was Smith the assistant chief when you left? A. I believe so, at St. Johnland; that was the electric light engineer.

Q. What is that? A. He was the electric light engineer.

Q. While you were at Flatbush as assistant chief did you ever go to the penitentiary? A. Yes, sir; once or twice.

Q. Once or twice during the entire time? A. Yes, sir.

Q. That was from 1890 to 1891 you mean? A. Yes, sir.

Q. And then you went simply to make repairs? A. Yes, sir.

Q. Repairs to what? A. Well, setting the boilers there—they were putting in the new boilers.

Q. That would not call you into the shops at all? A. No, sir; I never was in the shops.

Q. You never went through them? A. No, sir.

Q. Did you ever go through the insane asylum? A. Yes, sir.

Q. Frequently? A. Often.

Q. Looking for repairs? A. Yes, sir.

Q. And the same with the almshouse? A. Yes, sir.

Q. How frequently did you visit those institutions? A. Every day.

Q. Every day? A. Yes, sir; every day.

Q. You, yourself? A. Yes, sir.

Q. And did you take an assistant with you? A. I made that my tour every morning to see whether the men were working there.

Q. If men were not working there would you go there anyhow? A. Yes, sir; I would go into the office and find out whether anything was to be done, and if there was not anything to be done I would go out.

Q. If you simply inquired of the office then you relied on the statement made to you? A. The report would come in every morning from the nurses as to what should be done.

Q. Did you look over the reports yourself? A. Yes, sir; there is a book kept that they make a report on, that the nurses keep.

Q. Suppose they don't put it down do you go through for yourself to discover what was needed? A. No, sir.

Q. So you relied entirely upon the report made by the nurses? A. Yes, sir.

Q. If the nurses made no report then you knew of no repairs to be made? A. No, sir.

Q. And when you went to the hospital for the purpose of making repairs you only went to those places where you were directed to go to make repairs? A. Yes, sir.

Q. And to no other place? A. To no other place.

Mr. Hirsh.—That is all, Mr. Steenworth.

Mr. Hirsh.—I want to state that I have considerable difficulty in finding some witnesses and in bringing them here. I am under that difficulty to-day. While I sent out for six I was unable to get one, and I ask an adjournment until to-morrow morning.

Mr. Schulz.—This committee will adjourn until to-morrow morning at 10 o'clock.

On Tuesday evening, August 13, 1895, Hon. Frank F. Schulz, Hon. Joseph L. Whittet and Hon. James Keenholts, of the Assembly Committee on Affairs of Cities investigating the department of charities and corrections of Kings county visited the Kings County Penitentiary for the purposes of inspection.

The committee, on arriving at the penitentiary, proceeded to the warden's office when the following testimony was taken:

John Ferrenthal, having been sworn by Mr. Schulz, testified as follows:

By Mr. Schulz:

Q. What is your name? A. John Ferrenthal.

Q. When is the warden generally here? A. He is here all day.

Q. What evening is he here? A. I couldn't say; I am only here every third night.

Q. Do you know any evening that he is here? A. Every evening.

Q. From what time to what time? A. That I don't know; sometimes he is here all night, and sometimes he goes away in the evening.

Q. Well, then you don't know whether he is here during any evening, in the early part of the evening? A. He is here every time I go home.

Q. Is the deputy warden generally here? A. They are both here.

Q. When has he left this evening? A. I couldn't say; I was in the long-term prison until 7 o'clock.

Q. Well, is the warden in the habit of going away every night? A. That I can't say.

Q. Knowledge has come to this committee that the warden and the deputy warden are never here in the evening, in the fore part of the evening; do you know anything in regard to it? A. They are always here when I go home.

Q. Well, what time is that? A. About half past six or a quarter to seven.

Q. Do you know whether they leave after you go? A. That I couldn't say.

Q. Do you know whether there is anybody here that can say? A. I can't answer that.

Q. Where is the warden to-night? A. I don't know.

Q. You don't know how we can reach him in any way? A. No, sir.

Q. Nor the deputy? A. I guess the deputy is home.

Q. Is he in the habit of going home every night? A. Yes, sir; he is in the habit of going home every night.

Q. When the deputy warden is out who has charge? A. Whatever watch is on.

Q. The committee would like to see what men you have in the coolers this evening? A. Is there anybody in the coolers, Billy?

A. (Keeper) Yes; there are two I think.

Q. Will you send any keeper with the committee? A. Yes; Mr. Wagner will go with you.

By Mr. Keenholts:

Q. What time did you come on duty in the morning? A. At 6 o'clock this morning.

Q. You say the warden is here when you come on—you mean in the morning? A. Yes, sir.

Q. You don't know whether he is here all night or not? A. No, sir.

Q. Was he here all day? A. All day long.

Q. You are positive of that? A. I see him in the shops and through the yards around.

By Mr. Whittet:

Q. Do you stay on duty all day and all night too? A. We are on until to-morrow night; that is, every third night: we sleep here you know.

Q. How many hours do you have on? A. Came on at 6 o'clock this morning and go off to-morrow night at 6.

By Mr. Keenholts:

Q. You don't sleep to-night then? A. Oh, yes; we go to bed after the work is done.

Mr. Schulz—Well, we would like to go and look at the coolers.

The committee, under the guidance of a keeper, then proceeded to the dark cells where an inspection was made and two of the cells were found to be occupied.

The keeper unlocked the door of a cell which he said was occupied by a man named Williams, and Mr. Schulz asked Williams the following questions:

Q. Is this the first time you have been in here? A. Yes, sir.

Q. What are you in for? (No response.)

The Keeper—He was sent for refusing to work.

Q. What are you locked up for? A. For being good—the other way.

The keeper next unlocked the door of a dark cell which he said was occupied by a man named Robinson, and Mr. Schulz asked the following questions :

Q. How long have you been here in this cell? A. Since 5 o'clock.

Q. When were you locked up? A. I was locked up about 5 o'clock.

Q. Have you been in before? A. No, sir.

The committee then left the dark cells and went to the desk in the hall of the prison near the office where they asked one of the keepers the following questions :

Q. Either the warden or the deputy ought to be in the prison, oughtn't they? A. I suppose so.

Q. Sometimes the warden comes back at 1, 2, or 3 o'clock? A. Yes, sir.

Q. Was the warden here every night last week? A. I don't know, I think he was.

Q. You say the warden did not come in one night last week at 2 o'clock? A. I was not on last week—I was sick—I was away over four days.

By Mr. Whittet:

Q. Does the warden live here or home? A. He lives here.

By Mr. Schulz :

Q. Does his family live here, too? A. Yes, sir.

Q. You don't know of any night when the warden came in after 11 o'clock, last week? A. No, sir.

A Keeper.—He was away on a vacation last week.

A. (Continuing.) He was away last week from the 5th to the 11th, I believe it was, and he came on duty Sunday morning

Q. Do you know of any other time when the warden has been ab-

sent—do you recollect any time when he has stayed out of the building? A. No, sir.

By Mr. Keenholts :

Q. Are you in a position to know what time he does come in? A. Yes, sir.

Q. Is he supposed to come in the same gate that we did? A. He comes in about 11 or 12 o'clock every time—I take the keys at 10 o'clock.

Q. When do you deliver the keys in the morning? A. At 6 or half past six, to whoever is on duty.

By Mr. Keenholts :

Q. Is there any other entrance for the warden to come in? A. No, sir—that is the only way to come in—no other way.

Q. Where are his apartments? A. Right upstairs.

By Mr. Schulz :

Q. Has Commissioner Burtiss been here lately? A. He was here the week before last.

Q. Within the last month or two how many times has he been here? A. Three or four times altogether.

Q. Has he ever found the warden here when he was here? A. I couldn't tell you—when I am on duty I don't know all that goes on in the office and around out there.

Q. You don't know that the warden was here when Mr. Burtiss was here? A. No, sir.

Q. One night Mr. Burtiss left here at 11 o'clock, did he not? A. They collect the keys at 10 o'clock, after 10 o'clock they take the keys from the day keepers.

Q. The information from a friend of Mr. Burtiss that I received was that he left here at 11 o'clock one night when the warden was not here; you don't know where the warden is to-night? A. I couldn't tell you.

Q. Don't he leave word where he goes? A. He don't leave word with anybody.

Q. How many prisoners have you got here now? A. Five hundred and sixty-nine—426 in this prison and 143 in the annex; the tally is on here.

(The keeper indicates the tally on the wall.)

Mr. Keenholts — There are over 1,000 in the prison altogether; I saw that on the tally in the hall; I see they have passed a resolution since July 24th, giving all the prisoners in the dark cells three meals.

By Mr. Schulz:

Q. How long do the prisoners work? A. From 7 o'clock in the morning until 6 o'clock—don't they, John.

A keeper—A quarter to six.

Q. That is $9\frac{3}{4}$ hours? A. No, sir; we lock up at 20 minutes to 12 and don't go over again until 1 o'clock; I guess about 9 hours in the shop; the bell rings to go to work dumping buckets at 7.20, and we march them over about 5 minutes past 7 and get into the shops to work; then the bell rings to knock off at a quarter to 6 at night.

Q. They would naturally work about 9 hours a day, then? A. About nine hours; yes, sir.

Q. How many men does a keeper have charge of? A. I have got charge of 16.

Q. What were these men put in the dark cells to-night for? A. I don't know.

Q. Is one keeper supposed to take charge of that number of men—how many have you got? A. (Keeper.) One hundred and thirty-two.

Q. Is one keeper sufficient to take care of them? A. There are two of us in one shop.

Q. There are two of you to take care of 132? A. Yes, sir; there are two in that shop and two in the cooper shop; our shop has about as many as the cooper shop.

Q. What shop are you in? A. I am in the tailor shop.

Q. What is the longest time you have ever had a man in the cooler?

A. About 5 or 6 days; I don't recollect of keeping them there over 6 days.

Q. Were there ever any in there 10 days? A. Not that I know of

Q. How long was the cook in there? A. Eight or 9 days.

Q. That's more than 5 days? A. Yes, sir.

Q. Did he not go in on a Wednesday and come out on a Saturday?

A. He went in on a Sunday at 12 o'clock.

Q. What time did he come out? A. I think it was a week from that time. How long was he in that? (Addressing man at desk in hall of prison.) — He was in there 9 or 10 days.

Q. And he was discharged from one of the coolers and told to get out, was he not? A. I don't know; we are never over here when they discharge a man; they discharge them in the morning; the warden or the deputy discharges them; the keepers have no right to discharge them; I don't believe I ever saw a man discharged since I have been here.

A keeper.—The keeper says he locked Robinson up for refusing to work.

Q. What are the charges that are made against prisoners when they refuse to do their work—what report do they make to the State, do you know? A. I don't know how they make their complaints; we make out a slip for such and such a prisoner for refusing to work, and sign our name to it and lock them up.

By Mr. Whittet:

Q. Do you lock them up? A. We come over here with them; the hall keeper generally locks them up; we make a report.

Q. The man is locked up before the report is made—he doesn't get any chance to explain himself? A. We never lock anybody up except out of our own shops—we see to that ourselves and we lock them up; if a man refuses to work or assaults another prisoner we see it, and have got to take and bring him over here.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON
AFFAIRS OF CITIES AT A MEETING HELD WEDNES-
DAY MORNING, AUGUST 14, 1895, AT THE COURT
HOUSE, BROOKLYN, N. Y.

Present.—Messrs. Schulz, Whittet and Keenholts of committee.

Mr. Hugo Hirsh, of counsel.

Daniel C. Toal, having been called as a witness and duly sworn by
Mr. Schulz, testified as follows :

Examined by Mr. Hirsh.

Q. What is your business, Mr. Toal? A. I am the editor of a news-
paper at the present time.

Q. And up to 1890 what was your employment? A. I was secre-
tary of the board of charities and corrections.

Q. Of Kings county? A. Of Kings county; yes, sir.

Q. And how long had you been such? A. From January 1, 1889.

Q. To what time in 1890? A. January 15, 1890, was when my
term expired.

Q. At which time Mr. Lamb was appointed your successor? A.
Yes, sir.

Q. You were relieved of your position by Gott, Nolan and Murphy?
A. Yes, sir; I was.

Q. During the years that you were secretary did you become
familiar with the system of schedules and accounts and methods used
in that department? A. I did.

Q. And also with the methods concerning the accounts and methods
of bookkeeping in the various institutions under the charge of the
commissioners of charities and corrections? A. Yes, sir; I did.

Q. So that you are thoroughly familiar with the bookkeeping, the
various checks used on the various officials, the manner in which goods

were obtained from the contractors and then from the various stores of the storekeeper, and how those were checked? A. Yes, sir.

Q. All that you are thoroughly familiar with? A. Yes, sir.

Q. Will you state what the practice has been during your time of preparing schedules, what was done with the schedules after they were prepared, how the bids were received and what was done with them, and the usual procedure from the time of the preparation of the schedules to the time that the goods were actually received at the storehouse? A. Well, the custom in my time was to, along in May or June—probably the middle of May or the early part of June—for the board to pass a resolution calling upon the superintendents of the various institutions to prepare a list of articles that they would probably need for the coming fiscal year, and fix a time at which that schedule should be sent to the commissioners—probably giving them two or three weeks to get it ready.

Q. Then, when these various schedules from the various institutions would be sent to the commissioners, what would be done then? A. They would be examined by the commissioners.

Q. The board, the entire board? A. The entire board; yes, sir.

Q. And the various articles would be classified? A. Yes, sir.

Q. Those that would naturally belong to the same kind of goods would belong in one class? A. In one class, yes, sir.

Q. And thus the class so constituted would be placed in a class in the schedule as advertised? A. Yes, sir.

Q. Then there would be other items not classified? A. There would be what would be known as line items.

Q. Why weren't they classified? A. There weren't enough of any particular number of those items to make up a class.

Q. Then what was done, Mr. Toal? A. The different schedules were examined by the commissioners, as I say, and then handed to the secretary for preparation in one general schedule.

Q. And was that one general schedule before it was printed and

advertised for again examined by the commissioners? A. I think it was.

Q. And then advertisements were inserted in the papers? A. Yes, sir; advertisements were then inserted in the papers.

Q. Were these schedules also sent around to well-known business houses? A. Yes, sir.

Q. You knew that, did you, Mr. Toal? A. Yes, sir; I have done it myself many times.

Q. It was part of your duty as secretary? A. Yes, sir.

Q. And then when the bidders sent in their bids they were opened at a regular meeting of the board? A. Well, at a meeting fixed for that purpose.

Q. So, that at the time, say the four years previous to your leaving the department, were there many or few bidders? A. A great many.

Q. Was there ever a time during those four years that there was but one bidder for the dry goods contract? A. No, sir.

Q. That is a little extraordinary, is it not? A. Well, very.

Q. The bids were opened with the bidders present? A. A great many of them.

Q. And they were read aloud? A. Yes, sir, by the president of the board.

Q. The entire bid? A. Well, no, sir.

Q. What was read? A. The line items were always read.

Q. And the totals of the classes? A. The totals of the classes were read; yes, sir.

Q. And the contract was then awarded to the lowest bidder? A. Not at that time.

Q. When was that done? A. Probably at a subsequent meeting; perhaps three or four days, or perhaps a week, and perhaps two weeks after that; I want to say in relation to the preparation of the schedule that most of the items on the schedule, the designation of them, was left to the storekeeper; that is, different brands of different articles;

they were furnished to the secretary, to me, by the storekeeper, with the approval of the commissioners.

Q. That is, the storekeeper would say what kind of an article? A. Yes, sir.

Q. If it was well known as a certain brand of such an article, or such a brand of such another thing, it would be called for, and then if the commissioners approved of that he would get it? A. That is it exactly.

Q. Did you examine the schedules of the department for the years from 1890 to 1894? A. I did.

Q. And did you also compare those schedules with the schedules of 1889 and 1890? A. Yes, sir.

Q. Did you notice any changes in the schedules from 1890 to 1894 from the schedules existing theretofore in the department? A. I did.

Q. Did you notice whether the number of line items increased or decreased in those subsequent schedules of 1890 to 1894? A. My impression was that they decreased.

Q. And did you notice whether the class items increased or decreased in those schedules? A. I think the classes increased.

Q. Did you notice, also, in the schedules whether there had been an increase in lines in classes, where in former schedules the items had been but one or two lines, and in the schedules from 1890 to 1894 they had been made from six to eight lines? A. Yes, sir.

Q. Did you notice those? A. Yes, sir.

Q. Take for instance the matter of pipe, where in former schedules the commissioners advertised for pipe from six to ten inches, there would be separate lines made in the new schedules of pipe 6 inches, pipe 7 inches, pipe 8 inches, pipe 9 inches, and so forth, making separate lines or additional items in the schedules? A. Yes, sir.

Q. You noticed that? A. I noticed that.

Q. Can you tell, from your experience and knowledge of the workings of that department, having compared these schedules, having seen

that line items were lessened, some of them eliminated—classes increased and lines of items increased, what the obvious object of that was? A. Well, I should say it was for the purpose of enabling somebody to bid to advantage.

Q. Well, it was obviously done then to facilitate balanced bidding?

A. I should say so; yes, sir.

Q. And in your examination of the schedules of 1890 to 1894, did you notice that it actually did facilitate balanced bidding? A. Very decidedly.

Q. And that would facilitate the making of bids, which would give to the contractor an extravagant price for one article that he knew was wanted, and permit him to name another price for an article ridiculously low that was not wanted? A. It would.

Q. Did you notice also in these schedules of 1890 to 1894, whether items were duplicated on schedules? A. I did.

Q. What was the object of that, Mr. Toal, if you can tell, if you can judge—duplicating an item? A. Well, I should say that was for the purpose of misleading an honest bidder.

Q. Did you also examine the stock ledger of the department? A. I did.

Q. And the various receipts from the various institutions? A. Yes, sir.

Q. And made comparisons? A. Yes, sir.

Q. He said he did—you don't want to nod your head, Mr. Toal, because the stenographer can't see you; in making these comparisons of the stock ledger with the schedules did you notice whether where the contractor bid a very high price for a certain article and a very low price for another certain article—which of the articles were actually called for and sent as shown upon the stock ledger? A. Well, the high priced article was always ordered; the low priced article never.

Q. That is shown glaringly in many instances, is it not, Mr. Toal?

A. Yes, sir; it is.

Q. In examining the schedules and comparing them with the stock ledger at the storehouse was your attention called to the greatly increased quantities of particular articles used in one year over the preceding year? A. It was; yes, sir.

Q. Now, if you will give us for the year 1892 and 1893 alone what you found by comparison to have been used more in the year 1892 and 1893 over that of the year 1891 and 1892? A. I find the following items—I find the increase in quantities in the years 1892 and 1893, that is for the fiscal year of 1892 and 1893, over 1891 and 1892 was as follows: Condensed milk, 3,189 quarts; officers' butter, 14,154 pounds; No. 1 butter, 26,687 pounds; cheese, 4,403 pounds; Rio coffee, 15,405 pounds; Java coffee, 5,910 pounds; eggs, 3,656 dozen; beef, 11,412 pounds; mutton, 8,511 pounds; fresh codfish, 3,131 pounds; haddock, 1,258 pounds; halibut, 2,147 pounds, blue fish, 2,783 pounds; weak fish, 1,104 pounds; shad, 1,393 pounds; smelts, 1,745 pounds; hay 30,945 pounds; straw, 59,927 pounds; brandy, 41 gallons; whiskey, 791 gallons; bed ticking, 2,322 yards; blankets, 422 pair; marbelized oil cloth, 1,704 yards; cotton flannel, 3,863 yards; furniture check, 3,990 yards; kerseys, 1,120 yards; pillow case muslin, 895 yards; bleached muslin, 6,170 yards; muslin for bandages, 3,332 yards; mosquito netting, 145 pieces; brown sheeting, 6,535 yards; shawls, 65 dozen; toweling, 4,695 yards; men's socks, 469 dozen; rubber boots, 16 10-12 dozen; straw hats, 128 dozen; caps, 36 dozen; bands, 99 dozen; coal for Flatbush institutions, 10,076 tons; coal for penitentiary, 104 tons; coal for St. Johnland, 2,472 tons; stove coal for penitentiary, 78 tons; coal for St. Johnland, 2,116 tons; curled hair, 839 pounds; plug tobacco, 3,700 pounds.

Q. Now, those are the amounts in excess of the year previous? A. Yes, sir.

Q. You mentioned the matter of shawls there, Mr. Toal, did you notice that? I want to ask you this now, and I will recur to the subject later on; did you notice the requisition that called for these shawls;

the almshouse requisition of July 12, 1892, in which 15 dozen shawls were called for? A. Yes, sir.

Q. And 50 dozen were sent to the institution? A. Fifty dozen.

Q. Could that have been possible during the time that you were secretary? A. No, sir.

Q. How could a contractor send to an institution 50 dozen of an article, when the institution only called for 15 dozen? A. Well, it must come to the institution through the storehouse.

Q. Well, if that was permitted, and a contractor was permitted to send as much as he chose, and it was received, where would be the safeguard to the county that was asking for supplies? A. None at all.

Q. Then it would rest simply between the storekeeper and the contractor as to the amount of goods that was to be sent there? A. It would look that way; I am satisfied that the present storekeeper would not receive them.

Q. He was storekeeper when you were there, Mr. Toal? A. Yes, sir; all the time.

Q. I would like you to examine the schedules, Mr. Toal, and show the distinctions between the most prominent items as they appear upon the schedules of 1889 and 1890, and then as they appear upon the schedules of 1890 and 1891, 1891 and 1892, and 1892 and 1893; will you look at the matter of matches, beginning at page 12 of the schedule of 1889 and 1890, and then compare it with the schedules of 1890 and 1891, 1891 and 1892, 1892 and 1893; page 16 are 1890 and 1891; page 7 are 1891 and 1892; just show the difference, if you please? A. Eighteen hundred and ninety-two and 1893 also?

Q. Eighteen hundred and ninety-two and 1893; yes, sir; page 17? A. On the schedule of 1889 and 1890 — you wish me to read the entire lines, the entire items?

Q. Yes, sir; as to that item? A. There are three items of matches?

Q. Yes? A. Line 294, the Beecher No. 2 brand, boxes, 50 gross

were called for, and the bid price was 60 cents per gross; line 295 next, matches, 30's, S. C. & B., 10 gross called for, bid price \$2.20 a gross; line 296, matches, S. C. & B., parlor, 80s, 5 gross called for and 50 cents a gross, bid price.

Q. Was that a class or a line item? A. That was in a class—schedule of 1890 and 1891: line 346, matches, the Beecher number 2 brand, boxes, 100 gross called for, bid price 55 cents per gross.

Q. How much more was called for in 1890 and 1891 than was called for in 1889 and 1890? A. Double the quantity—line 347, matches, 30s, S. C. & B. Co., 20 gross called for, bid price, \$2; line 348, matches, S. C. & B. Co., parlor, 80s, 5 gross called for, bid price, \$1 per gross; that is an increase of 50 cents a gross on the last item.

Q. Now, just give us that the next year? A. Schedule of 1891 and 1892: line 363, matches, the Beecher number 2 brand, boxes, 100 gross called for, bid price, 75 cents per gross; line 364, matches, 30s, S. C. & B. Co., 20 gross called for, bid price, \$2 per gross; line 365, matches, S. C. & B. Co., parlor, 80s, 5 gross called for, bid price, 20 cents per gross.

Q. What difference does that show in that year? A. That shows an increase of—no; it shows the same price; 75 cents a gross and 55 cents a gross on the Beecher number 2; the S. C. & B. are the same price, and the parlor matches are reduced from \$1 to 20 cents a gross; schedule of 1892 and 1893: line 363, matches, the Beecher number 2 brand, boxes, 100 gross called for, bid price, 75 cents per gross; line 364, matches, 30s, S. C. & B. Co., 20 gross called for, bid price, \$2.50 per gross; line 365, matches, S. C. & B. Co., parlor, 80s, 5 gross called for, bid price, \$1.50 per gross.

Q. Can you tell now in all the years what matches were called for and at what prices? A. Well, in 1891 and 1892 it looks as though there were to be no parlor matches called for.

Q. But in 1892 and 1893? A. In 1892 and 1893 the bid price has gone up to \$1.50 a gross from 20 cents, and they probably needed some.

Q. What do you find on the schedules on the matter of scrubbing brushes, Mr. Toal—page 12 on 1889 and 1890. A. Do you mean the two items?

Q. Yes, sir—lines 310 and 311? A. Schedule of 1889 and 1890: line 310, scrubbing brushes as per sample, 150 dozen advertised for, bid price, \$1.15 per dozen; line 311, scrubbing brushes, long handle, as per sample, 5 dozen advertised for, bid price, \$3 per dozen.

Q. Page 16? A. Schedule of 1890 and 1891: line 364, scrubbing brushes as per sample, 200 dozen advertised for, bid price \$1 per dozen; line 365, scrubbing brushes, long handle as per sample, 12 dozen advertised for, bid price \$2.50 per dozen.

Q. What difference does that item show between the year previous? A. It shows a decrease of 15 cents a dozen on the scrubbing brushes—or both an increase of 15 cents on the ordinary brush, and a decrease of 50 cents on the long handles.

Q. Now, what do you find the next year to be the fact, page 17? A. Schedule of 1891 and 1892: line 381, scrubbing brushes as per sample, 200 dozen advertised for, bid price \$1.50 per dozen; line 382, scrubbing brushes, long handle as per sample, 12 dozen advertised for and bid price \$2 per dozen.

Q. The price raised that year? A. Yes, sir; the price increased 50 cents a dozen on the ordinary scrubbing brushes and dropped 50 cents a dozen on the long handles.

Q. What do you find in 1892 and 1893, page 17? A. Schedule of 1892 and 1893: line 381, scrubbing brushes, 200 dozen advertised for, bid price \$1.50 per dozen; line 382, scrubbing brushes, long handle as per sample, 12 dozen advertised for, bid price \$1 a dozen.

Q. What does that show, Mr. Toal? A. Well, it shows that the price on the ordinary scrubbing brushes remained the same, \$1.50 a dozen—but the price on the long handled brush decreased 50 cents.

Q. Decreased? A. It decreased \$1—decreased \$1 a dozen.

Q. Which would show that very few if any of them would be called for? A. That would be the inference; yes, sir.

Q. Suppose you look at the item of refrigerators, Mr. Toal, on the schedules of 1890 and 1891, and 1892 and 1893, page 20 to 23 on the schedule of 1890 and 1891; will you state the difference in those items in 1890 and 1891? A. Line 521, refrigerators, upright, double door, new Perfection number 6, two advertised for, bid price \$35 each; line 522, refrigerators, upright, double door, New Perfection number 3, two advertised for and bid price \$26 each.

Q. Page 22. A. Schedule of 1891 and 1892: line 560, refrigerators, upright, double door, New Perfection number 15, 12 advertised for, bid price \$3 each; line 561, refrigerators, upright, double door, New Perfection number 6, 12 advertised for, bid price \$9 each; line 562, refrigerators, upright, double door, New Perfection number 3, 12 advertised for, \$4 each bid.

Q. One moment, Mr. Toal; the item in that year had been added to? A. One more line.

Q. Yes; what was the line that was added? A. The No. 15.

Q. Do you know whether refrigerators increased in price as they increase in number, as the number goes up? A. It would seem so from the bids on previous years.

Q. Now, what was the price mentioned on the large number in that year where a line was added? A. Three dollars each.

Q. Would you say that that line was added with some object in view, Mr. Toal? A. It would look that way.

Q. What would be the object? A. Well, misleading.

Q. And to give a successful bidder who knew the object a chance to balance his bid? A. Yes, sir.

Q. Which that bidder did? A. Yes, sir.

Q. Who was the bidder that year? A. James Brooks.

Q. Now, will you compare that item of refrigerators with the schedule of 1892 and 1893? A. Schedule of 1892 and 1893: line 560, refrigerators, upright, double door, New Perfection, No. 15, 12 advertised for and bid at \$2.50 each.

Q. A reduction of 50 cents on them from the year previous? A. Yes, sir; line 561: refrigerators, upright, double door, New Perfection, 12 advertised for, bid price \$3 each; line 562: Refrigerator, upright, double door, New Perfection, No. 3, 2 advertised for and bid price \$25 each.

Q. So that would show that the last item advertised for would probably be used? A. Yes, sir.

Q. But the first item advertised for would not be used? A. Well, the records show it.

Q. The records show that none were called for? A. The records show that of the \$2.50 and \$3 kind of refrigerators none were furnished.

Q. Yes? A. But of the \$25 ones they bought four.

Q. And only 2 advertised for? A. Yes, sir.

Q. While they advertised for a dozen of the largest kind and they were not called for? A. Twelve of each kind.

Q. And if those were worth anywhere near that amount and a bidder in the year 1889 and 1890 had bid for them the item would have been a very large one—it would amount to several hundred dollars? A. Yes, sir; 12 refrigerators were worth probably \$30 or \$35 apiece.

Q. And that would be about \$400? A. Yes, sir.

Q. And with two items of that kind it would make a difference of \$800 in that particular class? A. Yes, sir; I should judge so.

Q. And to the knowing bidder, or as to some of the bidders testified to here—a good guesser—that would be an item of considerable importance? A. Yes, sir.

Q. But the fact, Mr. Toal, that the item of refrigerators was added to by an additional line in the years 1892 and 1893 to what there was in the schedules of 1888 and 1889, with the further fact that none of those items were called for, and that the added line was called for, and that but one item of refrigerators was called for at a price fairly of the value of the article, what does that show—does it not show a

deliberate intention on the part of somebody to aid some contractor?

A. I should say so.

Q. No person, no official, acting in the interest of his department, would add an item so expensive as a refrigerator—and add it by the dozen, unless he would absolutely know that it was needed or that it was done in the interest of some contractor who would know it was not needed—that is true, is it not, Mr. Toal? A. Yes, sir; that is true.

Q. What do you find on the subject of spoons in the various schedules of 1889 to 1892; schedule of 1889, page 16? A. Have you the line, Mr. Hirsh?

Q. Schedule of 1889, lines 469 to 472? A. Schedule of 1889 to 1890, line 469—spoons, tea, Rogers & Bros., 12 ounces to dozen, 5 dozen advertised for, bid price \$8 per dozen; line 470, spoons, table, Rogers & Bros., 12 ounces to dozen, 2 dozen advertised for, bid price \$9.98 per dozen; line 471, spoons, dessert, Rogers & Bros., 12 ounces to dozen, 2 dozen advertised for, bid price \$9.50 per dozen.

Q. Schedule of 1890 and 1891; page 20, lines 524 to 527? A. Schedule of 1890 and 1891: line 524—spoons, tea, Rogers & Bros., 12 ounces to dozen, 10 dozen advertised for, bid price \$8 per dozen.

Q. What was the increase in the number advertised for? A. The quantity was doubled—5 dozen in 1889 and 1890, and 10 dozen in 1890 and 1891.

Q. And the price is a trifle lower? A. No, sir; the price is the same on that item, \$8; line 525, spoons, table, Rogers & Bros., 12 ounces to dozen, 8 dozen advertised for, bid price \$9.80 per dozen.

Q. How does that compare with the year previous? A. That is an increase of 3 dozen in the quantity advertised for and an increase of \$1.20 in the bid price per dozen; line 526, spoons, dessert, Rogers & Bros., 12 ounces to dozen, 6 dozen advertised for, bid price \$9.50 per dozen.

Q. How does that compare with the year previous? A. It is an

increase of 4 dozen in the quantity called for and a decrease of 38 cents a dozen in the price.

Q. Now will you look at the next year, lines 564 to 567? A. Schedule of 1891 and 1892: line 564, spoons, tea, Rogers & Bros., 12 ounces to dozen, 10 dozen advertised for, bid price \$10 per dozen; line 565, spoons, table, Rogers & Bros., 12 ounces to dozen, 8 dozen advertised for, bid price \$10 per dozen; line 566, spoons, dessert, Rogers & Bros., 12 ounces to dozen, 6 dozen advertised for, bid price \$5.50 per dozen.

Q. What was the difference in price there, Mr. Toal, between 1889 and that bid? A. Eighteen hundred and eighty-nine?

Q. Yes, sir. A. On the teaspoons there is an increase of \$2 per dozen.

Q. In 1891 over 1889? A. Yes, sir, over 1889 and 1890; on the tablespoons there is an increase of \$1.12 a dozen; on the dessert spoons there is a decrease of \$3 a dozen.

Q. Now will you look at the year 1892 and 1893, page 22, lines 564 to 567? A. Schedule of 1892 and 1893: line 564, spoons, tea, Rogers & Bros., 12 ounces to dozen, 10 dozen advertised for, bid price \$10 a dozen; line 565, spoons, table, Rogers & Bros., 12 ounces to dozen, 8 dozen advertised for, bid price \$11 per dozen; line 566, spoons, dessert, Rogers & Bros., 12 ounces to dozen, 6 dozen advertised for, bid price \$7 a dozen.

Q. That shows again a difference between the year previous, does it not, Mr. Toal? A. The price of teaspoons is the same in 1892 and 1893 as in 1891 and 1892; the tablespoons have gone up a dollar a dozen in 1892 and 1893, from \$10 to \$11, and the dessert spoons have gone up \$1.50 a dozen, from \$5.50 to \$7?

Q. Will you look at the item of spit cups between the years 1889 and 1893, page 16, line 480? A. Schedule of 1889 and 1890: line 480, spit cups, New York Sanitary Supply Company, paper, 200 dozen advertised for, bid price 10 cents per dozen.

Q. Now look at the schedule of 1890 and 1891, page 20 ? A. Line 535, schedule of 1890 and 1891, spit cups, New York Sanitary Supply Company, paper, 20 dozen advertised for, bid price \$1.10 per dozen.

Q. Now, 1891 and 1892, page 22 ? A. Schedule of 1891 and 1892: line 575, spit cups, New York Sanitary Supply Company, paper, 20 dozen advertised for, bid price 50 cents per dozen.

Q. Eighteen hundred and ninety-two and 1893—the same page and line ? A. Schedule of 1892 and 1893: page 575, spit cups, New York Sanitary Supply Company, paper, 20 dozen advertised for, bid price 25 cents a dozen.

Q. Now, how does that price fluctuate during those years, Mr. Toal ? A. Well, in 1890 and 1891 it goes up \$1 a dozen, from 10 cents to \$1.10 ; in 1891 and 1892 it drops 50 cents a dozen, from \$1 to 50 cents ; in 1892 and 1893 it drops 25 cents more — rather from 50 cents in the previous year to 25 cents in 1892 and 1893.

Q. Do you know the article at all, Mr. Toal ? A. I have seen them.

Q. Do you know whether they can be bought at any such price ? A. I can't tell you what the value is.

Q. Were any in fact ordered at either 10 cents or 25 cents a dozen ? A. I can't tell you ; I know that they have not a large value ; they are made of ordinary brown stiff paper ; they are supposed to be destroyed as soon as used.

Q. They are used in the hospital ? A. Yes, sir ; they are used in the hospital.

Q. The price fluctuates on the schedule from 10 cents to \$1.10 ? A. My impression is that the 10-cent bid comes pretty near the value of the article.

Q. On the schedule of 1889 and 1890 they were 10 cents ? A. Yes, sir.

Q. Then there were spit cups, japanned ? A. Yes, sir.

Q. Just state how those articles fluctuate ? A. On the schedules of 1889 and 1890—

Q. Page 16? A. Line 479, spit cups, japanned, 6 dozen advertised for, bid price \$1.25 per dozen; schedule of 1890 and 1891, line 534, spit cups, japanned, 6 dozen advertised for, bid price \$1.15 per dozen.

Q. A trifle less than the year before? A. Yes, sir; 10 cents a dozen less; schedule of 1891 and 1892, line 574, spit cups, japanned, 6 dozen advertised for, bid price \$1.50 per dozen; schedule of 1892 and 1893, line 574, spit cups, japanned, 6 dozen advertised for, bid price \$3 per dozen.

Q. A sudden rise of 100 per cent. from the year previous? A. Yes, sir.

Q. Which was a sudden rise of about 35 cents a dozen from the previous year to that? A. Yes, sir.

Q. Do you know whether those articles fluctuate in value in any such way as that, Mr. Toal? A. I don't think they do.

Q. Do you know whether any of those articles were taken at the high price? A. The records show that in 1892 and 1893 there were 34 dozen of the japanned spit cups bought.

Q. That is at the price of \$3 per dozen? A. Yes, sir; at the price of \$3 per dozen.

Q. Now, will you look at the item of regulation milk cans in the years 1891 and 1892, and 1892 and 1893—page 23? A. Lines 593 to 599, regulation milk cans with destination tags; line 593 is a 4-quart, line 594 is a 5-quart, line 595 is a 6-quart, line 596 is a 7-quart, line 597 is an 8-quart, line 598 is a 10-quart, line 599 is an 11-quart; there are a dozen of each called for or advertised for; the price on the 4-quart can is \$3 per dozen, on the 5-quart \$4.50 per dozen, on the 6-quart \$6 per dozen, on the 7-quart \$6.50 per dozen, on the 8-quart \$7 per dozen, on the 9-quart \$7.50 per dozen and on the 10-quart \$8.50 per dozen.

Q. In 1892 and 1893, the same page and same line? A. Lines 593 to 599, the same item running from 4 to 10 quarts again, one dozen of each advertised for and bid at the following prices: 4-quarts 50 cents

per dozen, 5-quarts 75 cents per dozen, 6-quarts \$1 per dozen, 7-quarts \$1.25 per dozen, 8-quarts \$1.50 per dozen, 9-quarts \$1.75 per dozen and 10-quarts \$7 per dozen.

Q. What kind was ordered? A. There were none ordered in either year.

Q. They can not be made for any such prices as bid in 1892 and 1893, for from 50 cents to \$1.50 a dozen for milk cans? A. I don't think so, because there were a great many bought under the emergency and very much higher prices paid for them.

Q. You examined the emergency bills in that year and find that milk cans were bought under the emergency clause? A. A great many.

Q. Do you know what sizes were bought under the emergency clause? A. I think they were of those sizes; I won't say all of them, because I don't recollect; but the bills will show, the copies of the bills.

Q. While we are on that question of emergency, Mr. Toal, I will just interrupt the schedules for a moment. A. If you will allow me to just state here that I have a memorandum on the margin of the schedule of 1891 and 1892—rather it seems to be a copy of a bill for milk cans.

Q. Yes; just state what you find there? A. I find—January 18, 1891, there were 2 milk cans purchased, 20 quarts, holding 20 quarts, and \$15 apiece paid for them; there were 2 purchased holding 30 quarts, and \$18 apiece paid for them; on February 26, 1891, there were 2 purchased holding 15 quarts and \$14 a piece paid for them—no, you will have to correct that testimony, it was \$15 for both and \$18 for both, that is, \$7, \$9 and \$7.50 each; on June 25th there was 1 20-quart milk can bought and \$7.50 paid for it; on the same day, 1 30-quart can and \$9 paid for it, and the same day 3 10-quart cans and \$5.25 each paid for them.

Q. Three 10-quart cans at \$5.25 each? A. Yes, sir.

Q. And what was bid in the schedule? A. The bid in that year—it

seems that they had 10-quart cans on the schedule—it appears so at \$8.50 a dozen.

Q. Eight dollars and fifty cents a dozen? A. Yes, sir.

Q. And they purchased how many and paid \$5.25? A. They purchased 3 and paid \$5.25 each.

Q. But they purchased none of the milk cans at from 75 cents to \$1.50? A. They don't seem to have purchased any at all.

Q. In speaking of emergency bills, will you look at the memorandum, that you have prepared from the emergency bills as they appear of record during the years 1890 to 1894, and state what amounts were expended in each month in each of those years, together and with the totals in each year? A. That is—1890, January, \$370.33; February, \$91; March, \$34; April, \$4.88; May, \$296.77; June, \$339.83; July, \$363.72; August, \$250; September, \$1,354.60; October, \$323.26; November, \$224.09; December, \$36—total for the year, \$3,807.47; 1891, January, \$548.50; February, \$407.17; March, \$1,044.55; April, \$2,779.21; May, \$465.48; June, \$880.35; July, \$319.05; August, \$2,825.17; September, \$536.25; October, \$355.55; November, \$700.02; December, \$1,225.15—total for the year, \$11,081.45; 1892, January, \$291.15; February, \$432.42; March, \$1,000.69; April, \$679.77; May, \$785.11; June, \$836.44; July, \$350.55; August, \$1,423.84; September, \$2,365.05; October, \$3,307.15; November, \$1,443.27; December, \$899.38—total for the year, \$13,814.82; 1893, January, \$2,135.78; February, \$1,924.25; March, \$807.20; April, \$646.22; May, \$790.10; June, \$2,207.72; July, \$685.33; August, \$204.25; September, \$482.22; October, \$610.31; November, \$164.52; December, \$1,154.07—total for the year, \$11,152.64.

Q. The increased expenditure, then, between 1890 and 1894, was from \$3,000 to over \$11,000, and very near \$12,000? A. In 1890 the total was \$3,807.46; in 1891 it was 11,081.45; in 1892 it was \$16,814.82; and it was \$11,152.64 in 1893.

Q. The act was passed increasing the emergency account in March, 1892? A. I believe so.

Q. And in that year they even exceeded the amount permitted to be expended under that law—the law says, \$12,000, and they went away beyond \$13,000? A. Yes, sir.

Q. Will you look at the item on the schedules of carving knives and forks—1889 and 1890, page 17, lines 495 and 496? A. I have it.

Q. Will you state what the price was in that year, and then look at the other years? A. Line 495, knives—carving, ivory handles, Northampton Cutlery Company, as per sample, $\frac{1}{2}$ dozen advertised for, bid price, \$20.50 per dozen; line 496, forks—carving, ivory handles, Northampton Cutlery Company, as per sample, $\frac{1}{2}$ dozen advertised for and the bid price \$20 50 per dozen.

Q. Schedule of 1890 and 1891, page 21, lines 552 and 553? A. Schedule of 1890 and 1891, knives—carving, ivory handles, Northampton Cutlery Company, as per sample, 3 dozen advertised for, bid price, \$19 per dozen; line 553, forks—carving, ivory handles, Northampton Cutlery Company, as per sample, 3 dozen advertised for, bid price, \$19 per dozen.

Q. A trifle less than the year before? A. Yes, sir; \$1.50 per dozen

Q. The bidder was getting his hand in that year? A. Schedule of 1891 and 1892.

Q. Page 23, line 600? A. Line 600, knives, carving, ivory handles, Northampton Cutlery Company, as per sample, 3 dozen advertised for, bid price \$18 per dozen; line 601, forks, carving, ivory handles, Northampton Cutlery Company, as per sample, 3 dozen advertised for, bid price \$18 per dozen.

Q. That is still less than the year before? A. That is \$1 a dozen less.

Q. Now look at 1892 and 1893, page 24, lines 600 and 601? A. Line 600, knives, carving, ivory handles, Northampton Cutlery Company, as per sample, 3 dozen advertised for, bid price \$6 per dozen; line 601, forks, carving, ivory handles, Northampton Cutlery Com-

pany, as per sample, 3 dozen advertised for, and the bid price \$6 per dozen.

Q. Were any called for at any time, Mr. Toal? A. Well, I can't answer that question, because on the stock ledger the knives and forks of all kinds and sizes are entered as one item, but it seems that of all the different items of knives and forks of 1892 and 1893 they bought 150 5-12 dozen; that is what the stock ledger shows, though they don't specify what particular knives and forks they were.

Q. But that item shows a sudden reduction of \$12 a dozen? A. Yes, sir; from \$18 to \$6 per dozen.

Q. Will you look at the item of cheese gougers in 1890 and 1891, and 1891 and 1892, page 21, line 556? A. On the schedule of 1890 and 1891?

Q. Yes, sir? A. Line 556, cheese gougers, in assorted sizes, $\frac{1}{2}$ dozen advertised for, bid price \$3.38 per dozen.

Q. Eighteen hundred and ninety-one and 1892, page 23, line 604? A. Line 604, cheese gougers, assorted sizes, 10 dozen advertised for, bid price 5 cents per dozen.

Q. What is the difference in the quantity advertised for? A. Well, it is $9\frac{1}{2}$ dozen.

Q. Nine and one-half dozen? A. It is an increase from $\frac{1}{2}$ a dozen in the previous year to 10 dozen this year.

Q. Would it be possible to use 10 dozen cheese gougers in any institution? A. No, sir.

Q. They are simply used for sampling cheese, isn't that all? A. Yes, sir.

Q. A half a dozen would look as if that were about the proper number to be used? A. Yes, sir.

Q. And when 10 dozen were advertised for and the successful bidder bids 5 cents a dozen he obviously bids on an article that he knows thoroughly won't be called for? A. Yes, sir; I should say that would be the idea.

Q. Were any called for? A. There were none called for in 1891 and '92; haven't any record.

Q. Mr. Hanna, the successful bidder, when I called his attention to the 5-cent bid on 10 dozen cheese gougers, intimated that his bid might have been a clerical error; but the fact that none were called for at that price, the clerical error doesn't appear so evident, does it Mr. Toal? A. I shouldn't think so.

Q. Just look at the item of razors in 1889, schedule, page 17, lines 513 to 15? A. (Reading from schedules.) Schedule of 1889 and '90, line 513: razors, Seller's best, 3 dozen advertised for, bid price \$4.75 per dozen; line 514, razors, Wade & Butcher's, concave best, 2 dozen advertised for, bid price \$4.75 per dozen; line 515, razors, Star Safety, 2 dozen advertised for, bid price \$13.50 per dozen; schedule of 1890 and '91, line 570, razors, Seller's best, 3 dozen advertised for, bid price \$4.50 per dozen; line 571, razors, Wade & Butcher's concave best, 3 dozen advertised for, bid price \$4 per dozen; line 572, razors, Star Safety, 26 dozen advertised for, bid price \$13.50 per dozen.

Q. Eighteen hundred and ninety-one and '92, page 23, line 619 to 21? A. Schedule 1891 and '92, line 619, razors, Seller's best, 3 dozen advertised for, bid price \$3 per dozen; line 620, razors, Wade & Butcher's concave best, 3 dozen advertised for, bid price \$6 per dozen; line 621, razors, Star Safety, 2 dozen advertised for, bid price \$18 per dozen.

Q. Now 1892 and '93, page 24, lines 619 to 21? A. Schedule of 1892 and '93, line 619, razors, Seller's best, 3 dozen advertised for, bid price \$4.75 per dozen; line 620, razors, Wade & Butcher's concave best, 3 dozen advertised for, bid price \$4.75 per dozen; 621, razors, Star Safety, 2 dozen advertised for, bid price \$12 per dozen.

Q. What do those razors show as to fluctuations Mr. Toal? A. The schedule of 1890 and '91 shows that on two lines, the Sellers, and the Wade & Butcher razors, the price decreased from 1889 and 90; in 1889 and '90 both brands of razors are bid for at \$4.75 per dozen; in 1890 and '91, they were bid for at \$4.50 and \$4 per dozen a decrease

of 25 cents on one, and 75 cents on the other; the Star Safety razor, the bids were alike both years; the schedule on 1891 and '92, shows that Seller's razor dropped from \$4 a dozen the previous year to \$3; the Wade & Butcher razor increased \$2 a dozen in 1891 and '92, over 1890 and '91, and the Star Safety razor increased \$4.50 a dozen over the previous year.

Q. Eighteen hundred and ninety-two and '93? A. In 1892 and '93 the Seller's razors and the Wade & Butcher's went back to the same bid as in 1889 and '90, \$4.75 a dozen each; the Star Safety razor dropped from \$18 to \$12 a dozen.

Q. What kind of razors were called for? A. In 1892 and '93 they used 11 dozen of the Seller's and the Wade & Butcher's, and none of the Star Safety.

Q. Each year they had different contractors, in 1892 and '93, and 1891 and '92, and 1890 and '91, did you notice that? A. Yes; in 1891 and '92 they used none of the Seller's razors, which was bid for at \$3 a dozen, but they took 9 dozen of the Wade & Butcher at \$6, and 2 dozen of the Star Safety at \$18.

Q. That is, at the highest price they took the highest razors that had been bid for, at the highest price, and took none at the lower figure at all? A. That is what the records show.

Q. And Mr. Hanna was the successful contractor in that year? A. In 1891 and '92, yes.

Q. What do you find on this question of spectacles, Mr. Toal, in the years 1890 to '93? A. Schedule of 1889 and '90, line 518: Spectacles, steel, good quality, assorted numbers, 50 dozen advertised for, bid price \$1 a dozen.

Q. Page 21? A. Schedule of 1890 and '91, line 575: Spectacles, steel, good quality, assorted numbers, 75 dozen advertised for, bid price 89 cents a dozen.

Q. A decrease of 11 cents? A. Yes, sir.

Q. Now 1891 and '92, page 23, line 624? A. Schedule of 1891 and

92, line 624: Spectacles, steel, good quality, assorted numbers, 15 dozen advertised for, bid price \$2.25 per dozen.

Q. A difference of \$1.36 over the year previous? A. Yes, sir.

Q. The language is the same in each year? A. Precisely the same item.

Q. Now in 1892 and '93, page 24, line 624? A. Schedule of 1892 and '93, line 624; spectacles, steel, good quality, assorted numbers, 15 dozen advertised for, bid price \$1.50 per dozen.

Q. Who was the successful bidder in 1892 and '93? A. Wechsler & Abrahams.

Q. Who was the successful bidder in 1891 and '92? A. William H. Hanna.

Q. What was the purchase in those two years? A. You mean from 1890 and 91, '91 and '92.

Q. No, 1891 and '92, '92 and '93, how many did they take in each of those years? A. In 1891 and '92 they bought 83 dozen.

Q. At \$2.25 a dozen? A. Two dollars and twenty-five cents.

Q. And how many did they buy in 1892 and '93? A. One hundred and twenty-two dozen.

Q. At \$1.50 a dozen? A. Yes, \$1.50.

Q. Now, will you look at the item of soup ladles in the years 1890 and '91, and '91 and '92; page 21, in the year 1890 and '91; page 21, line 577? A. Schedule of 1890 and '91, line 577; soup ladles, German silver—

Q. What was the bid? A. Twenty-four dollars a dozen.

Q. Look at the schedule of 1891 and '92, page 23, line 626—what do you find there? A. Schedule of 1891 and '92, line 626: soup ladles, German silver, 1 dozen advertised for, bid price \$4 per dozen.

Q. A difference of \$20 a dozen in those years? A. Yes.

Q. Now look at that class and see if there was not an item of gravy ladles added and none asked for? A. Right under the soup ladle item I find a line, 627, gravy ladles, yes.

Q. Yes, you find that in the schedule of 1891 and '92? A. Eighteen hundred and ninety-one and '92.

Q. See if there is any such item in 1890 and '91? A. No, don't appear there.

Q. What would be the object of adding an item and not calling for it, Mr. Toal? A. Mislead honest bidders.

Q. Will you look at the item of axes, schedules of 1889 to '93 1889 and '90, page 18, line 520? A. Line 520, schedule of 1889 and '90: axles with handles, best quality, Ames', 5 dozen advertised for, bid price \$9 per dozen.

Q. Eighteen hundred and ninety and '91, page 22, line 578? A. Schedule of 1890 and '91, line 578: axes with handles, best quality Ames', 10 dozen advertised for, bid price \$8 per dozen.

Q. What is the difference of the quantity and price? A. The quantity has been doubled from 5 dozen in 1889 and '90 to 10 dozen in 1890 and '91, and a decrease of \$1 a dozen in the bid price.

Q. Now see what you find in 1891 and '92, page 60, lines 20-24? A. Schedule of 1891 and '92, lines 20-24: axes with handles, best quality, 6 dozen advertised for, bid price \$8 per dozen.

Q. The word "Ames'" is left out there? A. Yes; don't appear in '91 and '92.

Q. What do you find in 1892 and '93, page 64, line 2050? A. Schedule of 1892 and '93, line 2050: axes with handles, best quality, 6 dozen advertised for, and bid price \$10 per dozen.

Q. That is the highest price yet? A. That is the highest of any.

Q. The brand is taken away? A. Yes.

Q. That would give the contractor the opportunity of furnishing any kind of an axe at the highest possible price; that is so, isn't it, Mr. Toal? A. That would be the result—yes.

Q. What do you find on the question of spades in those same years? A. Schedule of 1889 and '90, line 524: spades, D handle, No. 2, Rowland's black, 5 dozen advertised for, bid price \$6 per dozen; line 525,

spades, post-hole, Rowland's concave, 1 dozen advertised for, bid price \$6 per dozen; schedule of 1890 and '91, line 582, spades, D handle, No. 2, Rowland's black, 10 dozen advertised for, bid price \$5.75 per dozen; line 583, spades, post-hole, Rowland's concave, 5 dozen advertised for, bid price \$5.75 per dozen.

Q. Eighteen hundred and ninety-one and '92, page 60, line 2027?

A. Schedule of 1891 and '92, line 2027: spades, post-hole, Rowland, 2 dozen advertised for, bid price \$5 per dozen; line 2028, shovels, No. 2, Rowland's black, 10 dozen advertised for, bid price \$7 per dozen.

Q. There is only one item then in the spade item, 1891 and '92, that is line 2027? A. That is the only one of spades.

Q. Now look at the schedule of 1892 and 1893, page 64; see how many items of spades are there, line 2053? A. Schedule of 1892 and 1893, line 2053: spades, post-hole, Rowland's, 2 dozen advertised for, bid price \$8 per dozen.

Q. What does the fluctuation show in those spades, Mr. Toal? A. On the schedule of 1889 and 1890 the post-hole spades are bid for at \$6 a dozen; 1890 and 1891—

Q. Page 22? A. Line 583, on the schedule of 1890 and 1891, post-hole spade, \$5.75 per dozen; that is a decrease of 25 cents a dozen; 1891 and 1892 a further decrease to \$5 a dozen, and in 1892 and 1893 an increase to \$8 a dozen.

Q. What year were they called for? A. In 1892 and 1893 they bought 3 dozen; in 1891 and 1892 they bought 1 dozen.

Q. Now just see what the item of shovels shows in the same years? A. Schedule of 1889 and 1890, line 526: shovels, No. 2 Roland's black, 10 dozen advertised for, bid price \$6 per dozen; line 527, shovels, No. 2 round pointed Rowland's black, 2 dozen advertised for, \$6.25 a dozen; schedule of 1890 and 1891, line 584, shovels, No. 2 Rowland's black, 10 dozen advertised for, bid price \$6.25 per dozen; line 585, shovels, No. 2 round pointed Rowland's black, 5 dozen advertised

for, bid price \$5.75 per dozen ; schedule of 1891 and 1892, line 2028, shovels, No. 2 Rowland's black, 10 dozen advertised for, bid price \$7 per dozen; line 2029, shovels, No. 2 round pointed Rowland, 6 dozen advertised for, bid price \$6 per dozen ; schedule of 1892 and 1893, line 2054, shovels, No. 2 Roland's black, 5 dozen advertised for, bid price \$8 per dozen ; line 2055, shovels, No. 2 round pointed Rowland's, 6 dozen advertised for, bid price \$4 per dozen.

Q. What do the fluctuations on that item show ? A. In 1889 and 1890 the two lines of shovels, the ordinary and the round pointed, was \$6 and \$6.25 a dozen respectively ; in 1890 and 1891 they were \$6.25 and \$5.75 respectively, an increase of 25 cents a dozen on one line, and a decrease of 50 cents a dozen on the other ; in 1891 and 1892 they were \$7 a dozen and \$6 a dozen respectively, an increase of 75 cents a dozen on one grade and 25 cents a dozen on the other, and in 1892 and 1893 they were \$8 and \$4 a dozen respectively, an increase of \$1 a dozen over 1891 and 1892 on the plain shovel and a decrease of \$2 a dozen on the round pointed shovel.

Q. And which kind was ordered ? A. Well, in 1892 and 1893 they bought 20 dozen of the \$8 shovel and 6 dozen of the round pointed shovel ; in 1891 and 1892, they bought $16\frac{1}{2}$ dozen of the plain shovel and none of the others ; in 1890 and 1891, the different kinds of shovels are not itemized on the stock ledger, but they are all bulked under shovels ; and of all kinds of shovels they bought $33\frac{1}{2}$ dozen.

Q. What do you find on the schedules referring to the item of carpenters' planes, schedules of 1889 to 1893 ; 1889, page 19. A. Schedule of 1889 and 1890, line 56 : planes, carpenters', good quality, assorted, 1 dozen advertised for, bid price \$7.20 per dozen.

Q. Now just see if the language of that item is not changed subsequently ? A. Eighteen hundred and ninety and 1891 ?

Q. Yes, in any of the following years ; 1890 and 1891, page 22, line 617 ? A. Schedule of 1890 and 1891, line : 617 planes, carpenters', good quality, assorted, 1 dozen advertised for, bid price \$7 per dozen.

Q. Is that a little lower than the year previous? A. Twenty cents a dozen; schedule of 1891 and 1892—

Q. Page 60, line 2050. A. Schedule of 1891 and 1892, line 2050: planes, carpenters', good quality, assorted, 1 dozen, bid price \$9 per dozen.

Q. An increase over the year previous? A. Increase of \$2 a dozen.

Q. Now 1892 and 1893? A. Schedule of 1892 and 1893, line 2076: planes, carpenters', good quality, assorted, 1 dozen advertised for, bid price \$15 per dozen.

Q. What is the entire fluctuation from 1890 to 1893 on that item? A. The price in 1889 and 1890 was \$7.20 a dozen.

Q. About doubled up in 1893? A. Yes, a little more than double

Q. How many were taken at the higher figure? A. No record of that; they are entered under carpenters' tools; there is no record of the quantity.

Q. In the stock ledger it appears under carpenters' tools? A. Yes.

Q. Now will you look at the item of locks for drawers, in the years 1891 and 1892, and 1892 and 1893; page 60 in 1891 and 1892, line 2056 to 2057? A. Schedule of 1891 and 1892, line 2056: locks for drawers, 2 by 2½-inch, 3 dozen advertised for, bid price \$1.50 per dozen; line 2057, locks for drawers, 3 x 3½-inch, 3 dozen advertised for, bid price \$1.75 per dozen.

Q. Now, '92 and '93, page 64? A. Schedule of 1892 and '93, line 2082: locks for drawers, 2 x 2½-inch, 3 dozen advertised for, bid price 50 cents per dozen; line 2083, locks for drawers, 3 x 3½-inch, 3 dozen advertised for, bid price \$4 per dozen.

Q. Which kind is called for? A. They are entered under hardware; no separate account kept for them.

Q. Is the language used in both schedules the same? A. Both the same.

Q. What do the fluctuations show? A. Well, on the 2 x 2½-inch

lock there was a decrease of \$1 per dozen, from \$1.50 to 50 cents; and on the 3 x 3½-inch lock there was an increase of \$2.25 a dozen, from \$1.75 to \$4.

Q. Do you know what the character of the locks were that were used there for drawers? A. I couldn't tell you; I have no recollection of them at all.

Q. Will you look at the item of steamboat bell, in the years 1889 to '93, see what you find on that; page 19? A. Schedule of 1889 and '91 line 569: steamboat bell, 100 pounds, best quality bell metal, one called for, bid price \$25.

Q. What was the steamboat bell used for? A. My impression is that the schedule of '89 and '90, they needed a bell at one of the institutions.

Q. For the purpose of calling nurses or attendants? A. Well, they have signal bells, ring at different times, for meals and one thing another; it was either needed there or at St. Johnland, I forget which, but it was put on the schedule that year for that purpose.

Q. Made a line item? A. No; it was in the class.

Q. What class? A. In the axes, saws, spades, shovels, etc., hardware class.

Q. That was the first and only year it was in that class? A. That was the only year.

Q. And they only needed one bell? A. I think they bought one bell.

Q. Now just look at the following years, see if they kept on advertising for that same bell, 1890 and '91, page 23, line 630? A. Schedule of 1890 and '91, line 630: steamboat bell, one hundred pounds best quality bell metal, one called for, bid price \$35.

Q. Now, 1891 and '92, page 63, line 2163? A. That must be a mistake; '91 and '92?

Q. Yes, page 63? A. Twenty hundred and eighty-three.

Q. What page? A. Schedule of 1891 and '92, page 61, line 2083:

steamboat bell, 100 pounds, best quality bell metal, one advertised for, bid price \$2.50.

Q. From \$35 the year previous? A. Yes, sir.

Q. Now look at the schedule of 1892 and '93, page 65, line 2019?

A. Schedule of 1892 and '93, line 2019: steamboat bell, 100 pounds, best quality bell metal, one advertised for, bid price \$2.50.

Q. Well, do you know anything about steamboat bells at all?

A. No, sir.

Q. Not apt to wear out in a year? A. No, I think not, not from the looks of the bells on the steamboats.

Q. What could have been the object of retaining an item of that kind in the schedules, year after year, not calling for them? A. Well, to mislead honest bidders.

Q. Now will you look at the item of mortise locks; do you know what those locks are used for? A. I think they are door locks, ordinary door locks, mortised locks.

Q. Yes, mortised doors? A. Yes.

Q. They are extensively used in all the institutions, are they not?

A. Oh, yes, a great many used, a great many doors.

Q. Just look at that item in 1889 and '90, page 20? A. Eighteen hundred and eighty-nine and '90, line 631: mortise locks as per sample, Tappan & Hagget, 2 keys to each lock, 4 dozen advertised for, bid price \$10.50 per dozen.

Q. Next line? A. Line 632?

Q. Oh, that is a combination lock; we won't get at that now; just look at the mortised locks in the schedule of 1890 and '91, page 24, line 701? A. Schedule of 1890 and '91, line 701: mortised locks as per sample, Tappan & Hagget, two keys to each lock, 5 dozen advertised for, bid price \$10 per dozen.

Q. That is a trifle less than the year previous? A. Fifty cents a dozen.

Q. Now look at the years 1891 and '92, and '93 and state what you

find in those years. A. Schedule of 1891 and '92, line 2163: mortise locks, as per sample, Tappan & Haggett, two keys to each lock, right and left, male and female, 10 dozen advertised for, bid price \$40 per dozen.

Q. How many called for that year? A. No record of that.

Q. That is also with the hardware? A. Yes, sir.

Q. Eighteen hundred and ninety-two and '93? A. Eighteen hundred and ninety-two and '93, line 2188: mortise locks as per sample, Tappen & Hagget, two keys to each lock, right and left, male and female, 5 dozen advertised for, bid price \$40 per dozen.

Q. That is an increase in the last two years of over 400 per cent. on an item largely used in the department; and who was the successful bidder in those two years? A. Cavan & Thompson were the bidders in 1892 and '93.

Q. Eighteen hundred and ninety-one and '92, Hanna? A. Eighteen hundred and ninety-one and '92, William H. Hanna.

Q. Now will you look at the item of combination locks in the years 1889 to '93? A. Schedule of 1889 and '90, line 634: combination locks, male and female, right and left, as per sample, two keys to each lock, 2 dozen advertised for, bid price \$18 per dozen.

Q. What were those combination locks used for, Mr. Toal? A. I think they are used in the asylum, in the insane asylum.

Q. Not a great many of them used? A. No, I think not.

Q. They are a fairly expensive lock? A. Schedule of 1890 and '91, line 704: combination locks, male and female, right and left, as per sample, 2 keys to each lock, 10 dozen advertised for, bid price \$17 per dozen.

Q. A greater quantity advertised for, and the bid is a trifle less? A. Yes, sir.

Q. Now what do you find in 1891 and '92, page 63, line 2167? A. Schedule of '91 and '92, line 2167: combination locks, Yale, male and female, right and left, as per sample, 2 keys to each lock, one dozen advertised for, bid price \$100 per dozen.

Q. A rise of how much? A. From \$17 to \$100.

Q. And in 1892 and '93, page 67, line 2119? A. Schedule of 1892 and '93, line 2191: combination locks, Yale, M & F, right and left, as per sample, two keys to each lock, 1 dozen advertised for, bid price \$115 a dozen.

Q. Were there any combination locks taken at those prices in those years, or is that all in the hardware? A. All in the hardware.

Q. Now, will you look at the item of mineral door knobs? A. Schedule of 1889 and '90, line 635: mineral door knobs, assorted sizes, 10 dozen advertised for, bid price, 85 cents a dozen; schedule of 1890 and '91, line 705: mineral door knobs, assorted sizes, 10 dozen advertised for, bid price, 75 cents a dozen.

Q. Eighteen hundred and ninety-one and '92, page 63, line 2169? A. Schedule of 1891 and '92, line 2169: mineral door knobs, assorted sizes, 1 dozen advertised for, bid price, \$1 per dozen.

Q. And in 1892 and '93, page 67, line 2192? A. Schedule of 1892 and '93, line 2192: mineral door knobs, assorted sizes, 1 dozen advertised for, bid price, \$4 per dozen.

Q. A rise in the price of an article that thousands are used of, ordinary door knobs, as you see it on the door here in the court room, for which 85 or 90 cents a dozen would be a fair price, raised to \$4 a dozen; now, will you look at the item of keys, the same year? A. All keys?

Q. Just begin with keys, page 20, line 636? A. Schedule of '89 and '90, line 636: keys as per sample, M. & F., pass, 12 dozen advertised for, bid price, 50 cents a dozen; line 637: keys, skeleton, 2 dozen advertised for, bid price, 50 cents per dozen; line 638: keys as per sample bath tub, 6 dozen advertised for price, 50 cents per dozen; line 639: keys as per sample, window shutters, 6 dozen advertised for, 50 cents per dozen; line 640: keys blank brass, 5 dozen advertised for, bid price, 50 cents per dozen.

Q. What does that mean by a blank key? A. Well, I should say an ordinary blank key was a key—

Q. A key not yet fitted to the door? A. Not yet finished.

Q. Now, look at the schedule of 1890 and '91, page 25? A. Schedule of '90 and '91, line 706: keys as per sample, M. & F., pass, 10 dozen advertised for, bid price, 50 cents per dozen; line 707: keys, skeleton, 10 dozen advertised for, bid price, 50 cents per dozen; line 708: keys blank brass, 20 dozen advertised for, bid price, 50 cents per dozen.

Q. Schedule of 1891 and '92, page 63, line 2174? A. Schedule of '91, and '92, line 2174: keys as per sample, M. & F. pass, 10 dozen advertised for, bid price \$2.50 per dozen; line 2175, keys, skeleton, 5 dozen advertised for, bid price 10 cents per dozen; line 2176, keys, blank brass, 20 dozen advertised for, bid price 50 cents per dozen.

Q. What do you find the fluctuations up to that time? A. An increase of \$2 a dozen on the pass keys and a decrease of 40 cents a dozen on the skeleton keys.

Q. At from 50 cents to 10 cents a dozen; now, will you look at the schedule of 1892 and '93, and see what the fluctuation there is, page 67, line 2197? A. Schedule of 1892 and 1893, line 2197: keys, as per sample, M. & F. pass, 10 dozen advertised for, bid price \$3 per dozen; line 2198, keys, skeleton, 5 dozen advertised for, bid price 50 cents per dozen; line 2199, keys, blank pass, 20 dozen advertised for, bid price 50 cents per dozen.

Q. How do those prices compare with the year 1889 and '90? A. In 1889 and '90 the pass keys were 50 cents a dozen; in 1892 and '93 they were \$3 a dozen; the skeleton keys and the blank brass keys are the same figure, 50 cents a dozen.

Q. Can you tell how many were called for, or was that also charged to the hardware account? A. There is no record of those.

Q. Will you look at the item of trowels in the years 1889 and '90 to '93, 1889 and '90, page 21, lines 643 to 644? A. Schedule of '89 and '90, line 643: pointing trowels for masons, $\frac{1}{2}$ dozen advertised for, bid price \$2.25 per dozen; line 644, plastering trowels for masons, $\frac{1}{2}$ dozen advertised for, bid price \$7.75 per dozen.

Q. Eighteen hundred and ninety and '91, page 25, lines 711-12? A. Schedule of 1890 and '91, line 711: pointing trowels for masons, one dozen advertised for, bid price \$2 per dozen; line 712, plastering trowels for masons, one dozen advertised for, bid price 75 cents per dozen.

Q. Now look at 1891 and '92, page 63? A. Schedule of 1891 and '92, line 2178, pointing trowels for masons, one dozen advertised for, bid price \$3 per dozen; line 2179, plastering trowels for masons, one dozen advertised for, bid price \$7 per dozen.

Q. Up to that time the fluctuations were what from '89 to '91 and '92? A. Eighteen hundred and eighty-nine and '90 the pointing trowels were \$2.25 a dozen and the plastering trowels were \$7.75; '90 and '91 they were \$2 a dozen and 75 cents a dozen respectively.

Q. Now, what do you find in 1892 and '93, page 67, lines 2201 and 2202? A. Schedule of 1892 and '93, line 2201: pointing trowels for masons, 1 dozen advertised for, bid price, \$5 per dozen; line 2202, plastering trowels for masons, 1 dozen advertised for, bid price, \$10 per dozen.

Q. A raise between those years of how much—between the previous year and the year 1892 and '93? A. Eighteen hundred and ninety-one and 1892, pointing trowels and plastering trowels were \$3 and \$7 a dozen, respectively; 1892 and '93, they were \$5 and \$10 a dozen, respectively.

Q. Will you look at the item, adjustable socket wrenches, in the years 1889 to '93? A. Schedule of 1889 and '90, line 660: adjustable socket wrenches, Smith & Egge, 9 and 12-inch, of each 1 dozen, 2 dozen advertised for, bid price, \$13 a dozen.

Q. Now, 1891 and '92, page 64, line 2201? A. Schedule of 1891 and '92, line 2201: adjustable socket wrenches, Smith & Egge, 9 and 12-inch, of each 1 dozen, 2 dozen advertised for, bid price, \$1.50 per dozen.

Q. And in 1892 and '93, page 68, line 2224? A. Schedule of 1892 and '93, line 2224: adjustable socket wrenches, Smith & Egge, 9 and

12 inch, of each 1 dozen, 5 dozen advertised for, bid price, \$1 a dozen.

Q. Well, that shows a reduction from about \$13.50 in 1889 and '90, to \$1 in 1892 and '93; that is also under the item of hardware? A. Yes, sir.

Q. Who were the successful bidders in the last two years? A. Cavan & Thompson in 1892 and '93.

Q. Hanna in 1891 and '92? A. Hanna in 1891 and 92

Q. Will you look at the item of hose, 1889 and '90, page 22, line 789? A. Schedule of 1889 and '90, line 908: hose, Baker fabric, G. P. & R. Manufacturing Company, garden use with connections, three-quarter inch, 500 feet advertised for, bid price, 10 cents per foot.

Q. Under what class is it in the schedule of 1889 and '90? A. That is in the hardware class.

Q. Now, what do you find in 1890 and '91? A. Well, there is another hose item—do you want that, too?

Q. Yes, give me the full item? A. Line 709, hose, Baker fabric, G. P. & R. Manufacturing Company, garden use, with connections, 1 inch, 500 feet advertised for, bid price, 15 cents per foot.

Q. Eighteen hundred and ninety and '91, page 27? A. Schedule of 1890 and '91, line 792: hose, Baker fabric, G. P. & R. Manufacturing Company, garden use, with connections, $\frac{3}{4}$, 500 feet advertised for, bid price 10 cents per foot, line 793: hose, Baker fabric, G. P. & R. Manufacturing Company, garden use, with connections, 1 inch, 500 feet advertised for, 12 cents per foot.

Q. On those two years the hose is under the hardware schedule? A. In the hardware schedule.

Q. Now look at year 1891 and '92, page 95, line 3131; under what class does hose appear in that year? A. Class 54, class of hose.

Q. A class all by themselves? A. Yes.

Q. What is the item there; read the item? A. Line 3420, fire hose,

“Eureka,” $2\frac{1}{2}$ with couplings, 2,000 feet advertised for, bid price 90 cents per foot.

Q. Formerly they never advertised for more than 500 feet ; now they increase the item to 2,000 feet ? A. No, this is a different hose ; this is a fire hose.

Q. Oh, yes. A. The other hose was garden hose.

Q. They hadn't advertised for any fire hose up to that time ? A. I don't think so.

Q. What is the next item ? A. Line 3421 : hose, Baker fabric, G. P. & R. Manufacturing Company, garden use, with connections, $\frac{3}{4}$ -inch, 500 feet advertised for, bid price 10 cents a foot ; line 3422, hose, Baker fabric, G. P. & R. Manufacturing Company, garden use, with connections, 1 inch, 500 feet advertised for, bid price 11 cents per foot ; line 3423, brass nozzles with stop cocks for above, $\frac{3}{4}$ -inch, 6, bid price 45 cents each ; line 3424, brass nozzles with stop cocks for above, 1-inch, 6 advertised for, bid price 95 cents each ; line 3425, linen hose, rubber lines, with couplings, complete as per sample, 1,000 feet, bid price 18 cents per foot.

Q. What do you find additional in the year 1891 and '92 from what had been theretofore on the schedule in that item, Mr. Toal ? A. Well, the fire hose, and I think that is all.

Q. First you find that the entire class has been changed, the hose being put in one class ? A. Yes.

Q. And then the addition of the fire hose at 90 cents a foot ? A. Ninety cents a foot.

Q. Will you look at the item of square bolts, schedules of 1890 and '91, and '91 and '92, tell me what you find ; schedule of '90 and '91, page 26, lines 783 to 6 ? A. Schedule of 1890 and '91, line 783 : square bolts, cast brass, $2\frac{1}{2}$ inch, No. 3320, Reading Hardware Company, 10 dozen advertised for, bid price \$2.50 a dozen ; line 784, square bolts, cast brass, 3-inch, No 3305 Reading Hardware Company, 10 dozen advertised for, bid price \$3.50 per dozen ; line 785, square bolts, cast

brass, 4-inch, No. 3310, Reading Hardware Company, 10 dozen advertised for, bid price \$4.50 per dozen ; line 787, square bolts, cast brass, 6-inch, 10 dozen advertised for, bid price \$6.50 per dozen.

Q. Now what do you find in the same item, 1891 and '92, page 65 ?

A. Schedule of 1891 and '92, line 2240 square bolts, brass, 2½-inch, 10 dozen, bid price, \$3 per dozen ; line 2241 square bolts, brass, 3-inch, 10 dozen advertised for, bid price \$4 a dozen ; line 2242, square bolts, brass, 4-inch, 10 dozen advertised for, bid price \$5 per dozen ; line 2243, square bolts, brass, 6-inch, 5 dozen advertised for, bid price \$48 per dozen.

Q. What fluctuation does that show up to that year ? A. Well, the 2½-inch bolt, from \$2.50 to \$3 per dozen, the increase in price ; the 3-inch bolt from \$3.50 to \$4 per dozen ; the 4-inch bolt, from \$4.50 to \$5 per dozen, and the 6-inch bolt from \$6.50 to \$48 per dozen.

Q. Now, will you look at the year 1892 and '93, page 69, lines 2264 to 2267. A. Schedule of 1892 and '93 line 2264 : square bolts, brass, 2½-inch, 10 dozen advertised for, bid price 50 cents per dozen ; line 2265, square bolts, brass, 3-inch, 10 dozen advertised for, bid price 75 cents per dozen ; line 2266, square bolts, brass, 4-inch, 10 dozen advertised for, bid price, \$1 per dozen ; line 2267, square bolts, brass, 6-inch, 5 dozen advertised for, bid price \$9 per dozen.

Q. What fluctuation does that show from the year previous ? A. Shows a reduction of \$2.50 on the 2½-inch, \$3.25 a dozen on the 3-inch, \$4 a dozen on the 4-inch, and \$39 a dozen on the 6-inch.

Q. And how does the price of 1892 and '93, compare with the price in '89 and '90, page 22, lines 700, 701 and 702 ? A. The 2½-inch bolts in 1889 and '90, was bid for at \$2.93 per dozen as against 50 cents in '92 and '93 ; the 3-inch bolt in '89 and '90, was bid for at \$3.83 a dozen as against 75 cents in '92 and '93 ; the 4-inch bolt was bid for at \$4.82 a dozen in '89 and '90, as against \$1 per dozen in '92 and '93 ; the 6-inch bolt is not on the schedule of '89 and '90.

Q. The schedules of 1889 and '90 show a fair price so far as one

bolt can be compared with the others, doesn't it Mr. Toal? A. I think so.

Q. No balance bidding in that item in that year? A. Don't seem to be, no; it is \$2.93 for $2\frac{1}{2}$, \$3.83 for 3, and \$4.82 for 4-inch.

Q. Gradual increase in price on the increase in the size of the bolt? A. Very near \$1 a dozen, about \$1 a dozen in the increase.

Q. That doesn't show in the following years? A. No, sir.

Q. The following years up to the time that \$48 a dozen was asked for bolts, show a constant gamble, or certain information furnished to the contractor by which he could make that bid? A. Shows a variation in the prices each year.

Q. And of course it shows, too, that certain kinds of bolts were not used at all? A. Looked that way.

Q. The contractor in his bid in the year '91 and '92, and '92 and '93, shows that he has either knowledge that certain of those bolts would not be used, or that he is gambling that certain of those bolts would not be used; that is true, isn't it? A. Either one.

Q. And in accordance with that theory, whether it is of knowledge or gamble, he makes his bid? A. That is the way it looks.

Q. Of course the person who made up the schedule would be as well able to tell in '91 and '92 what character of bolts would be used as the contractor who is doing the gambling; no question about that is there Mr. Toal? A. I should think the party who made up the schedule for that particular line of goods —

Q. Would know it still better than the contractor? A. Well, yes, he would probably know.

Q. There was one item of bolts added in 1890, in the following years, to what had been on in '89 and '90, was there not Mr. Toal? A. Well, the 6-inch bolt was not on in 1889 and '90; it was on in '92 and '93, and '91 and '92, and '90 and '91.

Q. Is there any reason that you can tell why there was an apparent gambling done in the bid of that item in the years 1890 and '91 and

'92, and none in 1889 and '90, so far as the prices are concerned? A. Well, in 1889 and '90, they evidently didn't want any of those bolts; it don't appear on the schedule; none of them called for; 1890 and '91, why, was the first appearance of that item on the schedule, and it continued for the two following years.

Q. And never was called for in any of the other years? A. Well, that I don't know; I have no record of that; that comes under the hardware entries.

Q. Now wasn't there any opportunity for gambling in the bolts that were called for in 1889 and '90? A. Well, there don't seem to be.

Q. Will you look at the item of wheelbarrows, wooden wheelbarrows? A. Yes, I have it—'89 and '90.

Q. Yes. A. Line 714: wheelbarrows, wooden, as per sample, 75 advertised for, bid price \$1.13 each; line 715, wheelbarrows, iron, large size, Nos. 5 to 6, 6 advertised for, bid price \$10 each.

Q. And what do you find in '90 and '91, page 27, line 798? A. Schedule of '90 and '91, line 798: wheelbarrows, wooden, as per sample, 180 advertised for, bid for at \$1 each; line 799, wheelbarrows, iron, large size, No. 5, 6 advertised for, bid price \$9 each.

Q. Now look at the schedule of '91 and '92, page 65, line 2247? A. Schedule of '91 and '92, line 2247: wheelbarrows, wooden, as per sample, 20 dozen advertised for, bid price \$20 per dozen.

Q. An increase of \$8 a dozen; the previous year they were \$1 each? A. Eight dollars a dozen; schedule of '92 and '93, line 2271, wheelbarrows, wooden, as per sample, 20 dozen advertised for, bid price \$18.75 per dozen.

Q. Well, according to that, they must have used a great many wheelbarrows there every year? A. I think the wheelbarrows were used principally at the penitentiary—used for prisoners, carting dirt, wheeling dirt, and one thing and another there; use a great many of them; they don't last very long,

Q. I want to call your attention to an item of park urinals; just

state how that item goes through the various years' schedules from '89 to '93, page 66, line 2433 of the schedule of '89 and '90? A. Schedule of 1889 and '90—

Q. How many do they advertise for in that year? A. Three.

Q. Is it a line or a class item? A. It is in the class.

Q. What class? A. It is in with the engineer's supplies, steam fittings, etc.

Q. They advertise for three; and what does the bidder bid? A. The bidder bids \$125 each.

Q. Now in the following year what do you find, page 74, line 2621? A. Schedule of 1890 and 1891, line 2621: park urinals, plate 271, Mott's catalogue—which is a repetition of the item as on the previous years' schedules—one advertised for, bid price \$100.

Q. One advertised for? A. One advertised for.

Q. During the time that you were there do you know whether park urinals were actually used by the institutions? A. My recollection of the park urinal matter is that Dr. Shaw, who was superintendent of the insane asylum at that time, or about that time, wanted a urinal of that kind to be erected in the asylum grounds.

Q. On the grounds? A. On the grounds.

Q. Where the patients were during the day? A. Yes; it was put on the schedule; whether it was bought or not I don't know; I couldn't tell you.

Q. But in 1889 and 1890 you say three were inserted in the schedule, and in 1890 and 1891, one was inserted? A. Yes.

Q. Now what do you find in 1891 and 1892? A. Schedule of 1891 and 1892, line 3148: park urinals, plate 271, Mott's catalogue, 12 advertised for, bid price 50 cents each.

Q. And in 1892 and 1893, line 3208? A. Schedule of 1892 and 1893, line 3208: park urinals, plate 271, Mott's catalogue, 12 advertised for, and the bid price 5 cents each.

Q. Were any of them called for during any of those years? A. No, sir; no record of them on the stock ledger.

Q. No record of them in the stock ledger of the department?

A. No, sir.

Q. So it is obvious that that item was inserted each year for a specific purpose? A. It would look that way.

Q. And what was that purpose Mr. Toal? A. Mislead honest bidders.

Q. The honest bidder who would have to bid \$100 or \$125 as the case may be for these urinals, would, of course, increase the size of his bid by the number of the article; if it was 12 and he bid \$100 each, it would be an item calling for \$1,200? A. Yes.

Q. While the dishonest bidder who knew that the article would not be used, could bid 5 cents or 50 cents each, with perfect safety, and then reduce his bid by that amount; is that right, Mr. Toal? A. It would be a difference of 60 cents, and \$1,200 in the total of the bid.

Q. On that one item alone? A. One item alone.

Q. And that would permit the successful bidder in that class to charge a great deal more for other items, and still become the successful bidder? A. It would.

Q. That appears throughout these schedules? A. It does.

Q. That style of bidding? A. It does.

Q. I want to call your attention before we adjourn to the item also of steam kettles, and just state whether the same thing appears as to steam kettles that appeared as to park urinals; you will find that item in 1889 and '90, page 66? A. Yes.

Q. What is the item there? A. Schedule of 1889 and '90, line 2442: steam kettles, Mott's, 50 gallons, 2 advertised for, bid price \$50 each; line 2443, steam kettles, Mott's, 90 gallons, 2 advertised for, bid price \$65 each; line 2444, steam kettles, Mott's, 222 gallons, 2 advertised for, bid price \$185 each.

Q. Now what do you find in '90 and '91, page 74, line 2630? A. Schedule of '90 and '91, line 2630: steam kettles, Mott's, 50 gallons, 2 advertised for, bid price \$50 each; line 2631, steam kettles, Mott's,

90 gallons, 2 advertised for, bid price \$100 each; line 2632, steam kettles, Mott's, 222 gallons, 2 advertised for, bid price \$200 each.

Q. What do you find in 1891 and '92? A. Eighteen hundred and ninety-one and '92, line 3157: steam kettles, Mott's, 60 gallons, 2 advertised for, bid price \$5 each; line 3158, steam kettles, Mott's, 90 gallons, 2 advertised for, bid price \$5 each; line 3159, steam kettles, Mott's, 180 gallons, 2 advertised for, bid price \$10 each; line 3160, steam kettles, Mott's, 230 gallons, 2 advertised for, bid price \$200 each.

Q. What item was added to the schedule of that year in steam kettles? A. The items seem to have been changed; on the schedule of 1889 and 1890 the call for a 50-gallon, a 90-gallon and 222-gallon kettle; on the schedule of 1890 and 1891 the items remain the same; on the schedule of 1891 and 1892 the items call for a 60-gallon, a 90-gallon, a 180-gallon and 230-gallon kettle.

Q. That is, a 10-gallon kettle more than before? A. Eight-gallon I think; insertion of a 60-gallon, I think, instead of a 50-gallon, and a change from the 222 to 230.

Q. And the prices range from \$5 to \$200? A. From \$5 to \$200.

Q. Now will you look at the schedule of 1892 and 1893 and state how the prices fluctuate in that year, page 93? A. Schedule of 1892 and 1893, line 3217: steam kettles, Mott's, 60 gallons, 2 advertised for, bid price 10 cents each; line 3218, steam kettles, Mott's, 90 gallons, 2 advertised for, bid price \$100 each; line 3219, steam kettles, Mott's, 180 gallons, 2 advertised for, bid price 10 cents each; line 3220, steam kettles, Mott's, 230 gallons, 2 advertised for, bid price 10 cents each.

Q. Now can you tell what steam kettles they sent requisitions for in those years, the years 1892 and 1893? A. Eighteen hundred and ninety-two and 1893 they bought one \$100 kettle, one 90-gallon kettle.

Q. They didn't buy any of the 10-cent kettles that year? A. Didn't buy any 60-gallon, 180-gallon or the 230-gallon.

Q. And in 1891 and 1892 what kind of kettles did they buy? A. I haven't any record of that; my impression is they bought a \$200 kettle.

Q. Do you recollect any year when they ordered one or two of the 10-cent kettles and none of them were sent, and then they advertised the next year for the same item, and where the contractor had bid 10 cents the year before, he bid \$100 in the year they were purchased? A. I remember that; yes, sir.

Q. In what years did that take place? A. Well, I don't recollect, but I made a memorandum of it at the time; it was either in 1891 and 1892 or 1892 and 1893.

Q. You have got the two years there, Mr. Toal? A. My recollection is that the two kettles at 10 cents each were on a requisition in the fiscal years of 1891 and 1892, and they were never delivered; but the following fiscal year they were again put on the requisition, and the price having been changed from 10 cents to either \$100 or \$200, I don't recollect now which, they were ordered and delivered.

Mr. Hirsh.—As I stated at the beginning of the session, until the weather is somewhat different, until I can get some rest, working at night, I would prefer if the committee would only sit in the morning.

Mr. Schulz.—This committee will stand adjourned until to-morrow morning at 10 o'clock.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON AFFAIRS OF CITIES AT A MEETING HELD THURSDAY MORNING, AUGUST 15, 1895, AT THE COURT HOUSE, BROOKLYN, N. Y.

Present—Messrs. Shulz and Keenholts, of committee.

Mr. Hugo Hirsh, of counsel.

Daniel C. Toal, having been recalled for further examination, testified as follows :

Examined by Mr. Hirsh :

Q. I understand, Mr. Toal, from what you testified yesterday, that the method employed in the various institutions by which goods arrive at the various institutions was, that each head of the institution who wanted goods would send a requisition to the storekeeper for the amount and kind of goods he wanted—is that right? A. That is correct.

Q. That requisition would show the article and the quantity—is that right? A. That is right.

Q. Now, when the goods were delivered back to the place where ordered, would this requisition come back with them? A. No, sir—it would not.

Q. How would the goods be checked off when they were received? A. Well, if you will allow me to explain the method of procedure—

Q. I want you to do that, Mr. Toal? A. The superintendents of the different institutions at the close of each week—that is on Saturday generally—make out requisitions for what they will need for the coming week; that is, from say Wednesday until the following Wednesday, because the requisitions are approved by the board of commissioners at their weekly meetings which are held on Wednesdays; three copies of these requisitions are made out; they are signed by the steward or stewards of the different institutions, and by the superintendents; they are forwarded to the storekeeper at Flatbush; the storekeeper sends these requisitions on Mondays generally—that was the custom in my time; Monday morning the requisitions come to the commissioners' office for their inspection; they are submitted to the commissioners on Monday; they remain in their custody till Wednesday, when they are read at a board meeting and approved by the commissioners, unless they chose to alter some of the articles, or erase them, or change the quantities, or something of that kind; then after the meeting they are stamped "approved" by the secretary and sent back; one copy is sent to the storekeeper, and the other

copies are sent to the different institutions, and one copy retained at the commissioners' office.

Q. Well, how are the goods obtained? A. The storekeeper on receipt of the requisitions, makes out his orders on the different contractors, and sends them by mail, or orders the goods by telephone, if they are needed in a hurry.

Q. And then the contractor sends direct to the institution? A. No; they do both; in some instances they send direct.

Q. And in others they send to the store? A. In others they send to the storehouse.

Q. Now, when they are sent to the institutions how are they checked? A. When they are sent to the institutions, the superintendents furnish the storekeeper with a list of such goods as are received direct at the institution.

Q. That is, after the articles are received at the institutions the superintendent of those particular institutions sends to the storekeeper a list of the articles so received from the contractor? A. Exactly.

Q. What I want to know is this, Mr. Toal: after the requisitions are made out in triplicate, are sent to the commissioners, approved by them, sent back to the institutions to the storekeeper, now the goods themselves that are marked upon these requisitions, how they are checked off when received. A. Well, they would send from the storehouse a receipt book; each institution has a receipt book containing duplicate receipt; the receipts are made out in duplicate.

Q. A receipt and a stub? A. A receipt and a stub.

Q. Yes? A. And the goods are entered on this receipt and the stub and sent with the wagon from the storehouse to the institution; the storekeeper in sending out goods checks each article with a line opposite, or a dash opposite each article; then when the steward or whoever receives them at the institution, when he receives them he checks the other way so that there are two checks on the receipt book.

Q. They are cross checks? A. They are cross checks.

Q. And that would indicate that the article has been received at the institution? A. It would.

Q. And that check would appear upon the receipt? A. That check would appear upon the receipt.

Q. The duplicate receipt? A. Yes, sir.

Q. Then that receipt must correspond with the requisition? A. It ought to.

Q. What do you really mean by that, Mr. Toal? A. What I mean by that is that the quantity called for on the requisition and the quantity sent to the institution are entered on the receipt and should correspond or very nearly correspond—that is in quantity.

Q. Does your answer mean this: that if for instance an institution should ask for 100 pounds of butter and the contractor should send three tubs and each tub contain 40 pounds, that in that wise the institution may receive 120 pounds, having ordered but 100, but with a desire not to break a package they would receive the 120 pounds; is that what you mean? A. That is what I mean.

Q. Do you also mean this: that where the article can be delivered in the number or quantity asked for in the requisition that number or quantity is always delivered—was in your time? A. Well, it was; approximately.

Q. Then you also refer to this: do you find that where articles are done up in packages of say 25, 50 or 100 each, and the institution would ask for a number less than the package the contractor would not break the package? A. Yes, sir, that is it; that is what I mean.

Q. But with those exceptions do you mean that in your time the requisition and the receipt usually corresponded? A. Usually, yes, sir.

Q. Now, the requisition having to be approved by the commissioners before it is sent to the various institutions and the quantity asked for being a necessary part of that requisition, as approved by the commissioners, is that requisition the only authority for the heads of an institution to accept the goods? A. I should say it was.

Q. Well, is there any other—can there be any other authority for a superintendent of an institution to accept goods than that approved by the commissioners? A. No—there can not.

Q. Therefore, the receipt of goods without a requisition would be entirely without authority? A. I should say it would—it would be irregular.

Q. There would be no authority unless it was approved by the commissioners? A. None at all.

Q. Otherwise a mere storekeeper or head of an institution might involve the county greatly into debt by the mere receipt of goods—wouldn't that be the result? A. He would—he might—I would like to make a little explanation regarding that matter, so that we will get it correct; sometimes an institution may run short of a particular article and need it very badly—in a case of that kind the storekeeper would be justified, and probably sustained by the commissioners—I know he was in my time—to furnish that article for immediate use; but it would be necessary, in order to cover that demand for the superintendent or the steward to include that article and the quantity on his next week's requisition.

Q. Then it would afterwards appear on the requisition? A. It would afterwards appear as approved—on a subsequent requisition.

Q. It would have to appear on some subsequent requisition? A. Decidedly.

Q. Do you know of any time in your case where articles did not appear on any such requisitions at all? A. I never heard of it.

Q. Have you examined the requisitions and stock ledger and compared them for the year 1892 and 1893? A. I have.

Q. The schedule of 1892 and 1893? A. Yes, sir; I have.

Q. And you have made a thorough comparison? A. Yes, sir.

Q. And you can state the difference between the amounts asked for on requisitions and the amounts supplied as per stock ledger? A. I can.

Q. Now, if you will kindly do that? A. During the fiscal year of

1892 and 1893, the requisitions of the different institutions under the charge of the board of commissioners of charities and corrections ; in the article of eggs there appears a demand for 24,850 dozen, and according to the stock ledger they supplied 26,030 dozen, a difference between the amount asked for and the amount supplied of 1,180 dozen.

Q. For which there is no requisition ? A. They are not covered by requisition ; officers' butter, requisitions 43,970 pounds ; supplied 48,173 pounds—

Q. One moment, Mr. Toal ; as you go over each one of the items please use the same language, so that when you have mentioned the first figure that the record will show that was the amount asked for by the requisitions, and the other one the amount shown by the stock ledger as having been supplied—do that, if you please ? A. The article of officers' butter there appears on the requisitions a demand for 43,970 pounds, and according to the stock ledger there was supplied 48,173 pounds, a difference of 4,183 pounds ; the article of butter, number 1 : the requisitions call for 89,125 pounds, and according to the stock ledger there was supplied 93,845 pounds, a difference of 4,720 pounds ; the article of cheese, the requisitions call for 30,160 pounds, and there was supplied according to the stock ledger 32,717 pounds, a difference of 2,557 pounds ; the article of bed ticking, the requisitions call for 17,500 yards, the stock ledger shows that there were 18,554 yards supplied, a difference of 1,054 yards ; the article of bed spreads, the requisitions call for 1,068, there was supplied according to the stock ledger 1,142, a difference of 74 ; the article of white blankets, the requisitions call for 2,000 pairs, the stock ledger shows that there was supplied 2,030 pairs, a difference of 30 pairs ; the article of red flannel, the requisitions call for 1,170 yards, the stock ledger shows there was supplied 1,437 yards, a difference of 267 yards ; the article of furniture check, the requisitions show that there was 6,000 yards called for, the stock ledger shows that there were 8,004 yards supplied, a difference of 2,004 yards ; the article of gingham, the requi-

sitions call for 2,410 yards, the stock ledger shows that there was supplied 2878 yards, a difference of 468 yards; the article of Kentucky jeans : the requisitions call for 5,500 yards, the stock ledger shows they furnished 7,975 yards, a difference of 2,475 yards ; the article of pillow case muslin : the requisitions show that they called for 720 yards, the stock ledger shows that there was supplied 1,414 yards, a difference of 694 yards ; the article of muslin for bandages : the requisitions call for 6,600 yards, the stock ledger shows that there was supplied 9,633 $\frac{3}{4}$ yards, a difference of 3,033 yards ; the article of toweling : the requisitions call for 9,350 yards, the stock ledger shows there was supplied 10,025 yards, a difference of 675 yards ; the article of prints, Merrimac D : the requisitions call for 1,690 yards, the stock ledger shows there was supplied 2,186 yards, a difference of 496 yards ; the article of seersucker : the requisitions call for 4,260 yards, the stock ledger shows that there was supplied 4,411 yards, a difference of 455 yards ; the article of prints, American, indigo blue : the requisitions call for 12,300 yards, the stock ledger shows that 15,121 yards were supplied, a difference of 2,821 yards ; the article of cotton flannel : the requisitions call for 21,424 yards, the stock ledger shows that there was supplied 24,287 yards, a difference of 2,863 yards.

Q. Now, in that line, Mr. Toal, I want to call your attention as examples to a few items : on the hospital requisition of April 11, 1893, 100 yards of rubber cloth were called for ; now, when a requisition is sent in how long after that usually are the goods sent ? A. Well, that depends —

Q. Ordinarily ? A. That depends on the ability of the contractor to furnish it — sometimes a day or two, sometimes a week, sometimes ten days or perhaps two weeks.

Q. Where you find a requisition of April 11th containing a certain article and wanted to find when that article was receipted for and received you would look at the next receipt containing similar articles ? A. Yes, sir.

Q. Now, will you look for rubber cloth on or about April 11th — between that and April 26, 1893?

(The counsel presents hospital receipt book to witness.)

A. I find a receipt on April 26, 1893, for 500 yards of rubber cloth, which according to the date on the side of the receipt was delivered on the 24th.

Q. And do you know how many yards were called for on the hospital requisition? A. One hundred yards.

Q. I also call your attention to a requisition of May 9, 1893, for 15 pieces of Atlantic A, brown sheeting; will you look on the receipt for May 11th and see how many goods were signed for on the receipt book?

(The witness examines the receipt book referred to.)

Q. How many, Mr. Toal? A. Nineteen hundred and ninety-four yards.

Q. How many yards to a piece? A. About 50 yards.

Q. So when they asked for 15 pieces it would be about 750 yards?

A. Yes sir; 15 pieces would be about 750 yards.

Q. And they sign for 1,994 yards? A. Nineteen hundred and ninety-four yards; yes, sir.

Q. Will you look at the hospital requisitions of July 18, 1893, just before the close of the fiscal year; on the item of seersucker, when 12 pieces were asked for, and see how on that same date as the requisition—just see how many yards were signed for on the receipt book?

A. On the receipt of July 18, 1893—which, upon further examination, I find the article to have been delivered on the 17th.

Q. Yes. A. The day before the date of the requisition.

Q. Yes. A. There is a receipt for 1,129 $\frac{3}{4}$ yards.

Q. And how many yards in a piece? A. I think about 42 they average.

Q. Well, if they are 50 yards it would make 600 yards asked for?

A. Yes, sir.

Q. And about double that quantity was delivered? A. Yes, sir; about double that quantity delivered.

Q. And you say further, that the receipt bears date the day before the requisition? A. The receipt itself is dated July 18th, and according to the figures on the side of the stub the article appears to have been delivered on the 17th.

Q. What institution was that? A. That was the hospital.

Q. Are these the requisitions?

(Counsel presents book to witness.)

A. That is it.

Q. Will you just find the requisition for that order please, Mr. Toal?

(The witness indicates to counsel the requisition referred to.)

Mr. Hirsh.—I would like to have the stenographer mark a paper bound in a book and marked "Requisitions;" the paper is headed: "Kings County Hospital, Requisition, Superintendent's Office, Tuesday, July 18, 1893," and is addressed to "The Honorable, the Board of Commissioners of Charities and Corrections of Kings county; the following articles are required for this department," containing among others the item of 12 pieces of seersucker; it is marked by rubber stamp "Approved by Resolution of the Board of Commissioners of Charities and Corrections, regular meeting, July 19, 1893, Bernard Lamb, Secretary;" I offer it in evidence and I want it marked.

(Requisition referred to was here marked by the stenographer Exhibit No. 20.)

Q. So it would appear from the receipt book and the requisition that while the requisition is dated the 18th of July and was not approved until the 19th, and could not until at least that day have been sent back to the institution that required the article, yet that the articles required were actually sent there on the 17th, two days before the approval of the requisition? A. That is a fact.

Q. I would also like you to look at the receipt book or hospital requisition for drugs of the same date, July 18, where 10 pieces of

muslin for bandages are called for, and see what the number was actually delivered? A. Yes; I find that on the same stub—780 $\frac{3}{4}$ yards.

Q. Were delivered? A. Were delivered.

Q. And were signed for? A. Yes, sir; they are signed for.

Q. We may be compelled, Mr Toal, to draw a distinction between the amount signed for and the amount delivered; you had better put it on the record in that way. A. Well, that is the quantity signed for.

Q. And how many pieces were called for? A. Ten I think he said.

Q. That is about five hundred yards? A. Yes, sir; that is about five hundred yards.

Q. Now, on the hospital receipt book do you find any more signed for without any additional requisitions—about the same date, Mr. Toal; I think you will find a small item of about two thousand yards, Mr. Toal? A. Yes, sir; I have that; is that the only one?

Q. Yes, sir; that is all. A. I find on the stub dated July 27th, 2,000 yards of bandage muslin, delivered on the 27th, on the side, 2,000 yards signed for.

Q. Have you looked through the requisitions for that year? A. I have.

Q. Have you found any requisition for that at all? A. I have not.

Q. That receipt seems to be signed by E. Sheline, per L.; who was E. Sheline? A. He was the steward of the hospital at that time.

Q. And who was "L.?" A. I can't tell you.

Q. There seems to be another peculiarity about this receipt, Mr. Toal; the receipt is written in ink and the date in pencil? A. That occurs very often; the month is very often written in ink and the date filled in in pencil; you will find that all through those stubs.

Mr. Hirsh.—I would like that receipt marked.

(The receipt referred to was here marked by the stenographer exhibit No. 21.)

Q. Have you examined the schedule for the years 1890 to 1894 with respect to the prices charged? A. I have.

Q. And have you also examined the emergency bills with respect to the prices charged? A. I have.

Q. Is it not true that for the goods delivered in excess of the amount asked for in the schedules extravagant prices were charged and paid by the department? A. You mean on schedule goods?

Q. On schedules—goods which were bought under the emergency clause—on goods similar to those on the schedules, and yet bought under the emergency clause? A. Yes, sir; I have observed that.

Q. And did you notice in looking over the emergency bills whether the department went to the contractor who furnished similar articles under the contract, as mentioned in the schedule, for similar goods? A. No, sir; they did not.

Q. Can you tell what the idea was, if there was any idea in it, in going to Mr Newman for instance, who was not even a dealer in dry goods, but a contractor simply—for starch, as appears upon one of the emergency bills? A. Well I should say it was to give him an opportunity to make a sale at a good figure.

Q. He charged 12 cents a pound for starch? A. Yes, sir.

Q. By the 100 weight? A. Yes, sir.

Q. That is a pretty good price? A. Yes, sir.

Q. Have you examined all the receipt books for the fiscal year of 1892 and 1893, Mr. Toal, of the various institutions? A. All except the almshouse.

Q. Haven't reached that yet? A. Haven't reached that.

Q. You have examined it for the asylum? A. For the asylum, yes, sir.

Q. You have stated here that each article as it is received at the various institutions, if received, should have two check marks? A. It should.

Q. At least, each article should have one check mark; isn't that so? A. Well, it would have one check mark when it left the storehouse.

Q. That would show that it left there? A. That would show that it left there; yes, sir.

Q. And if received it would have another check mark to show that it was received? A. That it was received at the institution that it was sent to.

Q. Now, I call your attention to the receipt dated February 2, 1893, and marked "Asylum;" I want you to state Mr. Toal before I put it in evidence as an example of many similar ones, what the peculiarities of that receipt are, as they appear upon the face of the receipt, and as compared with the requisitions of that date—before you get to the last item on the receipt—I want you to get at the two items where the figures are much larger than the requisitions Mr. Toal—in the middle of the receipt you will find them? A. Yes, sir.

Q. Now, will you state? A. Well, the asylum requisition? have you that memorandum?

Q. Yes, sir. A. The memorandum referring to these cretons and gray flannel; well, if you can't find it I think I can recall it.

Q. Is that it?

(Counsel presents book to witness.)

A. No, sir; that is not it.

Q. What is the date of the one you want? A. February 2d the receipt is signed; it is the second half year, from February to July—on the book if you will look for it; the latter part of January I guess you will find the requisitions for the asylum.

(Counsel presents book to witness.)

A. (Continuing) On the requisition from the Kings County Asylum dated January 25, 1893, there is a call made for 200 yards of creton and 500 yards of gray flannel; the asylum receipt book, stub dated February 2, 1893, shows that on that date, 1315 yards of creton and 1264 yards of gray flannel were signed for.

Q. Do you notice any peculiarity about the "L's" on that line? A. Well, they look a little—a little irregular, I should say.

Mr. Hirsh.—I would like to have the stenographer mark that receipt.

(The receipt referred to by counsel was here marked by the stenographer Exhibit No. 22.)

Q. Did you answer that question, Mr. Toal? A. Yes, sir.

Q. Now, will you call out, please, the various items as they appear upon that receipt? A. Three hundred and twenty-three pounds butter, officers; 898 pounds butter, No. 1; 502 pounds cheese; 85 pounds ham; 10,315 yards creton; 1,264 yards gray flannel; 4 dozen of table covers; 4 bags of tobacco, 489; 2 barrels apples; 150 pairs white blankets.

Q. The blanket item is the last item on there? A. Yes, sir.

Q. Does it look as if it was particularly squeezed into that receipt? A. Well, it gets in in a very narrow space.

Q. Now, how many check marks—double check marks—are there on that receipt? A. There are nine check marks.

Q. And how many items on the receipt? A. Ten items.

Q. Is there any check mark opposite the item of blankets? A. The storehouse check mark is opposite the two barrels of apples.

Q. Which is the item next to the last? A. Which is the item next to the last.

Q. And the institution check mark is where? A. Well, the upper check mark—the institution check mark—seems to cover only that check mark of the two barrels of apples.

Q. It begins a little lower down? A. Yes, sir.

Q. But there is absolutely no check mark to all the items on that receipt? A. No, sir.

Q. No; now, Mr. Toal, what does that indicate to your mind—this condition as appears from this one receipt? A. Well, I should say that the 150 blankets never left the storehouse and never were received at the institution—judging from that evidence.

Q. I also call your attention to the requisition of the Kings County

Asylum dated November 9, 1892, approved on the same date, and ask you whether there are any peculiarities about that requisition, and if so will you kindly point them out?

(The witness examines the requisition handed to him by counsel.)

A. The peculiarities about this requisition are that every line of the requisition, except one, was written by Mr. Hugh Carboy, who was then assistant steward.

Q. You know his handwriting? A. Well, I say that because he told me he wrote it.

Q. Except one on the first page? A. Except one on the second page—except one on page 2.

Q. Just look at the end of the first page? A. Well, I will say two items—the last item on the first page and the first item on the second page.

Q. Yes; now in whose handwriting are those two items? A. Mr. Carboy says that the last item on the first page is in the handwriting of Dr. Sylvester; the first item on the second page is in the handwriting of James F. Kane who was then steward of the asylum.

Q. And what is that second item for, Mr. Toal? A. The second item calls for 500 pairs of blankets.

Q. It seems to be interlined there? A. It is put above the first line on the second page—not on any line at all.

Q. The lines are numbered on those pages? A. They are all numbered or ought to be—they are all numbered on one page, and the numbers should be continued all the way down.

Q. There is no number to that item? A. No, sir; except the schedule item.

Q. After what item, interlineation or addition, on the first page appearing? A. After the item of two barrels of apples.

Q. Unfortunate barrel of apples—and what is the item in the handwriting of Dr. Sylvester? A. One refrigerator.

Q. Number 15? A. Number 15.

Q. Has that item any number? A. No, sir.

Q. Line number? A. No, sir.

Q. Have you examined the requisitions for the purpose of comparing them with the receipts in order to see in what order the various articles appear on each one of them? A. I have.

Q. And have you also compared them with the other requisitions as they are bound, in order to see whether they compare in the order? A. I have.

Q. Now, will you look at the requisition signed by the storekeeper, and including the articles mentioned in the requisition now in your hand, and state whether the two items to which you have just referred—the refrigerator, and in particular the 500 pair of blankets, appearing in the requisition in the order in which they appear, in the one which you have spoken of? A. They do not.

Q. How does the requisition signed by the storekeeper compare with the requisition upon which the seeming interlineation of 500 blankets is, compared with other items? A. Well, I should say that the storekeeper's requisition, which is a copy of all the other requisitions—a condensed copy of all the other requisitions—when made out was made out before that interlineation appearing in the asylum requisition.

Q. That appears so upon the face of the storekeeper's requisition, does it not? A. Yes, sir.

Mr. Hirsh.—I will have the stenographer mark that requisition, which Mr. Toal will now hand to him.

(The requisition referred to was here marked by the stenographer Exhibit No. 23.)

Mr. Hirsh.—And also the other one, and I would like to have that marked on both sides.

(The requisition referred to by counsel was here marked by the stenographer Exhibit No. 24 on both sides of the requisition.)

Q. Is it customary that requisitions should show interlineations? A. It would not be permitted in my time.

Q. You have already stated that these requisitions so approved were the only authority, practically, for not only the contractor but for the storekeeper or institution that receives the goods? A. They are.

Q. These interlineations, as they appear upon the requisitions just put in evidence—what would your opinion be that they meant, Mr. Toal? A. Well, I wouldn't like to express any opinion, but I should say they looked very suspicious.

Q. During your time was there ever a requisition from any institution for so large a number of blankets as 500 in a week or at a time? A. I don't recollect any such quantity being ordered at one time by the institutions.

Q. I call your attention to a receipt of November 21, 1892, for the asylum, and ask you to state whether there is any seeming peculiarity about that receipt?

(Counsel presents receipt to witness.)

A. This receipt was evidently meant to cover the 500 pair of blankets which appear upon that requisition.

Q. And how do they appear? A. I find that 300 pair white blankets were signed for as delivered on November 21st—the date is a ditto mark under “21” in ink further up the stub; under the “300 pair white blankets,” there is an entry of “200 two ditto marks,” and a “Do,” and on the side there is “23” in pencil.

Q. Do you know the meaning of those hieroglyphics? A. Which?

Q. To which you have just referred—the “Do”? A. Well, “Do” means “White Blankets” or “Blankets;” it is under the word “Blankets.”

Q. And the figures? A. And the figures “23” in pencil below the “Do.”

Q. Do you notice whether the last item of blankets is in different ink from the first? A. I should say that the last item of blankets was written with a different pen from what the 300 pair white blankets was written.

Q. The ink looks different? A. Yes, sir; the ink looks different—a stub pen, and the 300 white blankets with an ordinary pointed pen.

Q. That receipt is dated, you say, the 21st of November? A. Dated November 21st.

Q. That is, 12 days after the date of the requisition? A. Yes, sir; what is the date of the requisition?

Q. November 9th. A. Well, it is 12 days for the 300, and it is 14 days for the 200.

Q. And do you find it at all peculiar that a requisition for so large a number of articles as appears upon this one marked Exhibit No. 24 is approved as on the same day on which it is dated? A. I can't explain that except that perhaps the stamp is wrong; if you can tell me what day of the week November 9, 1892, was on, why I can tell you; the board meets on Wednesday; this requisition should be dated on the Monday previous.

Q. I will get that day of the week before we get through, Mr. Toal. Are there any other receipts in the book which you have in your hand, Mr. Toal, that show peculiarities, and, if so, will you kindly call attention to them? A. I find a receipt here of February 23, 1893, on which there are nine items signed for and only eight checks.

Q. What is the item unchecked? A. Two hundred and eighty-eight bed spreads.

Q. What date was that do you say? A. February 23, 1893.

Q. Just look at the requisition for that, Mr. Toal? A. I find on the requisition February 15, 1893, a call for 200 bed spreads.

Q. What is the receipt for? A. Two hundred and eighty-eight, that appears on the stub.

Q. And no check mark? A. Well, there are eight check marks and nine items.

Q. What are the items? A. Four bags Rio coffee; 100 pounds plug tobacco; 8 dozen cans of tomatoes; 997 yards brown sheeting; 802 yards Boston sheeting; 120 pair men's slippers; 16 dozen

canned salmon; 100 pounds powdered sugar; 288 bed spreads. It seems to be squeezed in at the bottom much in the same way that the 150 pairs of blankets were.

Mr. Hirsh.—Mark that, please.

(The requisition referred to by counsel was here marked by the stenographer Exhibit No. 25.)

Q. Speaking of plug tobacco, in that last receipt you mentioned yesterday, I think that there were 2,700 pounds of plug tobacco more called for in 1892 and '93 than there were in 1891 and '92? A. Two thousand seven hundred pounds more charged to the institutions.

Q. What do they use plug tobacco for? A. Well, I believe they give the plug tobacco to the inmates in the almshouse, inmates of the asylum, the hospital, the pauper help who assist the engineers and firemen around the different buildings, men who work about the place — dispose of it in that way; and I suppose the engineering force and force of firemen, I don't suppose they pay anything for their tobacco.

Q. But the increase in one year of 2,700 pounds, Mr. Toal, is somewhat abnormal, isn't it? A. Well, I should say so. My recollection is that in 1891 and '92, they used 9,000 pounds, and in 1892 and '93, it went up to 11,700.

Q. I want to call your attention also, on asylum requisition of November 16, 1892, where a call is made for a thousand yards of toweling, and I want you to look at the receipt of that date? A. Yes, sir. I find on the asylum requisition, 11-16-92, a call for 1,000 yards of toweling.

Q. How many were receipted for, as per receipt? (Receipt shown witness.) A. 1,500 yards.

Q. Have you examined the books showing the amount realized for old material? A. I have.

Q. Now will you state, beginning as far back as 1887-'88, what was received per annum for old material in the department of

charities and correction of Kings county? A. (Referring to memorandum.) In the fiscal year 1886-'87, including sales of broken stone at the penitentiary, there was received \$4,418.74. In the fiscal year of 1887 and '88, including penitentiary sales, there was \$4,676.94 received. In 1888 and '89, except sales made of old material at St. Johnland and penitentiary, \$2,956.42. In 1889 and '90, \$2,557.89. In 1890 and '91, \$1,406.25, In 1891 and '92, \$1,314.91. In 1892 and '93, \$1,206.89, and in 1893 and '94, \$1,003.49.

Q. Did you look at the monthly returns of these various items?

A. I did.

Q. Did you notice whether there were very many months during these years, 1890 to '94, when there were no returns for materials sold at all? A. Yes, so the treasurer's cash books shows.

Q. Who has charge of this sale of old material? A. The storekeeper.

Q. What does this old material consist of? A. Well, it consists of empty barrels, boxes, old cast iron, rags, bones and junk of all kinds gathered around the different buildings.

Q. Do you know why in some of these years, or in 1888 and '89, beginning at that time, St. Johnland was excepted. A. I do not.

Q. Do you know whether they kept a separate account of their sales? A. I think so. The old material was probably sold down there and the receipts may have been accounted for to the medical superintendent, something of that kind.

Q. During your time were old materials sold every month? A. Well, I don't think there was an interval of two months anyway. There might have been one month at a time when the storekeeper didn't report and turn over money for sales of old material to the treasurer of the board.

Q. Well, the treasurer's cash book, between the years 1890 and '94, shows from six to nine months in some years when no sales were made? A. Shows a number of months, I don't know the exact number, when there were no returns made for sales.

Q. Oh, when no returns for sales were made. Yet there must be an accumulation of junk in the institutions every month? A. I should say so. The cash book shows that the treasurer had received during those months no money for the sale of old material.

Q. Well, what would become of the money for the sales if they are not turned into the treasurer? A. Well, if the sales were made the money must have been in the custody of the storekeeper.

Q. Or anyone who made the sales? A. Yes, I should say so; but nobody else is authorized to sell except him, at least was not in my time. I don't know what the practice was from 1890 to '94.

Q. Unless the sales of old material was divided up among various people, the storekeeper's duty is to make the sales and return the money? A. Yes, sir.

Q. There is a marked reduction in the amount received during those four years from the previous years? A. Yes, sir.

Q. Only about one-quarter per year? A. That is what it shows.

Q. That is what the treasurer's cash book shows? A. Yes, sir.

Q. I want to call your attention, Mr. Toal, again, to some items on the schedules. One of them is the item of rye straw. Will you look at the schedule of 1889 and '90, and see what the items were as to hay and straw then advertised for? A. (Referring to schedules.) In the schedule of 1889 and '90, line 163: Hay in bales, timothy, best quality, 75,000 pounds, bid price, 50 cents per hundred. Line 164: Straw, rye, baled, best quality, 500,000 pounds, bid price, 85 cents per hundred.

Q. Is that the entire class? A. That is all, sir.

Q. That is a class, is it Mr. Toal? A. Class No. 9, hay and straw.

Q. Now, will you look at the schedules of 1890 and '91, similar class, and state what you observe there? A. Schedule of 1890 and '91, line 204: Hay in bales, timothy, best quality, quantity advertised for, 125,000 pounds, bid price, 45 cents per hundred, Line 205: Straw, rye, baled, best quality, quantity advertised for 250,000 pounds, bid price 82 cents per hundred. Line 206, oat

straw, in bales best quality, 40,000 pounds advertised for, bid price 50 cents per hundred.

Q. Oat straw hadn't been advertised for before at all? A. That is its first appearance in the schedule, in 1890 and '91,

Q. Any called for? A. No, sir.

Q. Will you look at the schedules of 1891 and '92 as to the same items? A. Schedule of 1891 and '92, line 212: Hay, in bales, timothy, best quality, quantity advertised for 125,000 pounds, bid price 75 cents per hundred. Line 213, straw, rye, baled, best quality, 250,000 pounds, bid price 90 cents per hundred. Line 214, oat straw in bales, best quality, 40,000 pounds advertised for, bid price 30 cents per hundred.

Q. Now up to this time Mr. Toal, do you notice the peculiarity that the articles which had always appeared upon the schedules are gradually rising in price, and that the article which had never appeared in the schedule is gradually falling in price? A. That appears to show, the schedule appears to show.

Q. Now will you look at the schedule of 1892 and '93, the same item and see what you observe there? A. Schedule of 1892 and '93, line 213. Hay in bales, timothy, best quality, 125,000 pounds advertised for, bid price 75 cents per hundred. Line 214, straw, rye, baled, best quality, 250,000 pounds advertised for, bid price 90 cents per hundred. Line 215, oat straw in bales, best quality, 40,000 pounds advertised for, bid price 10 cents per hundred.

Q. A further reduction from the year before? A. Yes.

Q. Now, was oat straw called for in any of those years? A. Oat straw was not called for in any of those years.

Q. What could possibly have been the object Mr. Toal in adding an item of that kind to that schedule which had existed for years and none ever called for, in any of the years? A. Well, that item was put in to mislead honest bidders.

Q. Now, if you will look over the schedules, I want to call your attention to the item of soap, which seems to play a prominent part

in various ways in this investigation. Wheat was the item of soap in 1889 and '90, a line or class item? A. It was a line item, had always been a line in my time, for nine years.

Q. Well, Mr. Murphy, the former commissioner, testified that that was the particular item that he thought ought to be changed from a class item to which it was subsequently made, back to a line item. Now, will you just state what the schedules show, and the peculiar ramifications of that item each year, say from 1889 to 1894, the changes in brands, the change from line to class, and from class to line back again? A. In the schedule of 1889 and 1890, the soap item read as follows: Line 96, soap, brown, hard, equal to Doscher's & Company's extra family — the idea of putting in "equal to" was not to confine the bid to Mr. Doscher alone, but to give all soap manufacturers an opportunity to bid, to furnish a brown soap equal to his extra family, without mentioning his specially.

Q. Now, while you are on that Mr. Toal, who would be the judge of the character of the soap and the quality of the soap? A. Well, in my time that matter was left entirely to the storekeeper.

Q. That was Gilbert Hicks? A. Gilbert Hicks.

Q. And he, being an honest man, would look after that question honestly and in the interest of the department? A. Well, in addition to that qualification, which he has, I wish to add that Mr. Hicks had been for many years in the grocery business, and no doubt is somewhat of an expert on soap.

Q. Well, by reason of his business experience he was well qualified to judge whether a soap was of a certain quality or not? A. Yes, sir.

Q. Now proceed with that item if you please? A. Sixty thousand pounds were advertised for —

Q. In 1889 and '90? A. Eighteen hundred and eighty-nine and '90, and the bid was 2 76-100 of a cent per pound. In the schedule of 1890 and '91 the soap appears in a class.

Q. What is the class? A. Class No. 5, "Soap, etc."

Q. What is the etc. in the class? A. Well, I will read the items and then you can — Line 124, soap, brown, hard, equal to Doscher & Company's extra family, 65,000 pounds advertised for, bid price 2 71-100 of a cent per pound. Line 125, soap, castile, white, Conti & Company, of Leghorn, 400 pounds advertised for, and bid price 12 cents per pound. Line 126: Sapolio, Enoch Morgan & Sons, cakes, quantity advertised for 125 dozen, bid price, 75 cents per dozen; 127 candles, equal in quality to R. G. Mitchell's 6's in cartoon, full weights, 60 dozen advertised for, bid price, 20 cents a dozen. Line 128: Wagon grease, Frazer's, 100 pounds advertised for, bid price, 10 cents per pound. Line 129: Ivory soap, 50 pounds advertised for, bid price, 10 cents per pound; and line 130 Buchan's carbonic toilet soap, 40 dozen advertised for, bid price, \$1 per dozen.

Q. Now, the item of soap, which had been advertised for in 1889 and '90, and bid upon at 2 76-100 of a cent, was reduced in 1890 and '91, to 2 71-100 of a cent? A. Five one-hundredths of a cent reduction.

Q. Now look at the schedule of 1891 and '92, and state what the changes were? A. Schedule of 1891 and '92, the soap goes back to a line item.

Q. What other changes are there? A. Well, the brand is changed. Line 56 reads as follows: Soap, brown, hard, equal to Brown's, Brown's best family, 65,000 pounds, bid price, 3 33-100 of a cent per pound.

Q. Almost a cent a pound difference? A. Yes.

Q. And it was a line item you say, that year? A. Yes.

Q. Now, what becomes of the next year, 1892 and '93. Line 91, page 80? A. Soap still remains a line item in 1892 and '93, and reads as follows: Line 91, soap, brown, hard, Turkish laundry, best family —

Q. What do you find the change to be in that year? A. Well, they have abandoned the Brown brand and took up Turkish laundry. The bid price was 4 31-100 cents per pound.

Q. Again an increase of nearly a cent a pound. A. Yes, sir.

Q. Now, will you look at the schedule of 1893 and '94, and see what the change was again in that year? A. In the schedule of 1893 and '94, this soap goes into a class again. I will read the class: Class 23, No. 23, soap, etc., line 181, soap, hard, equal to Colgate's, Babbitt's best, 65,000 pounds advertised for, bid price, 3 71-100 of a cent per pound. Line 182: Soap, Castile, white, Conti & Company, Leghorn, 400 pounds advertised for, bid price, 11 cents per pound. Line 183: Sapolio, Enoch Morgan's Sons, cakes, 125 dozen advertised for, bid price, 60 cents per dozen. Line 184: Candles, equal in quality to R. G. Mitchell's 6's in cartoons, full weights, 60 dozen advertised for, bid price 60 cents per dozen. Line 185, axle grease, Frazer's, 110 pounds advertised for, bid price 4 cents per pound. Line 186, axle grease, King's castor oil, 100 pounds advertised for, bid price 4 cents per pound. Line 187, Ivory soap, 50 pounds advertised for, bid price 10 cents a pound. Line 188, Buchan's carbolic toilet soap, 40 dozen advertised for, bid price \$1 per dozen. Line 189, Electro-silicon, 10 dozen advertised for, bid price 60 cents per dozen. And line 190, Universal Metal Polish, 5 dozen advertised for, bid price \$1 per dozen.

Q. The first thing noticeable in the year 1893 and '94 is that the brand of the soap has again been changed? A. The brand is again changed.

Q. And the second, that it has become a class item? A. A class item again.

Q. Mixed with electro-silicon and other things? A. Axle grease and Universal Metal Polish and other things.

Q. Now, Mr. Toal, from your experience and knowledge of the department, what was the object of these various changes on the question of soap, of which so great an amount had to be used in those various institutions? A. Well, I should say that it must have been in the interests of somebody.

Q. Well, the somebody was the contractors? A. Yes, I should

say so. I think, to the best of my recollection, that the item of soap as it reads on the schedule of 1889 and '90, had been in that shape for a number of years.

Q. Did the changes as they appear in the following four or five years inure to the benefit of the department at any time except the year 1890 and '91, when there was a saving of 5-100 of a cent? A. No, I think the results will show that the department spent more money for soap by making those changes than if the item had remained as it was.

Q. Not only spent more money in the aggregate for soap received, but per pound? A. Yes.

Q. It increasing from 2 76-100 of a cent in 1889 and '90, to 4 and 31-100 in 1892 and '93, and then to 3 and 70-100 of a cent in 1893 and '94? That is so, isn't it? A. Yes, sir.

Q. Then the highest difference was almost 2 cents a pound, and the lowest difference was 1 cent a pound, in the last year, 1893 and '94, caused by these various changes? A. Yes, sir; and the quantity, the consumption of soap is very large.

Q. That is the one question that I have still left. I would like you to state what the consumption of soap was in those various years. State the amount advertised for in the schedule and the amount called for as shown by the stock ledger? A. In 1890 and '91, the quantity advertised for was 65,000 pounds.

Q. That was the same in the year 1889 and '90? A. Yes, sir; and the quantity consumed was 50,240 pounds. In 1891 and '92, the quantity advertised for was the same, 65,000 pounds; the quantity consumed was 76,800 pounds. In 1892 and '93, the quantity advertised for was the same, 65,000 pounds, and the quantity consumed was 74,250.

Q. Wasn't it usual, Mr. Toal, when you were in the department, to fix the quantity advertised for for the coming year by the amount used in the previous year? A. That was arranged between the storekeeper and myself usually, in making up the general schedule. He would bring to me the amounts of quantities of the various ar-

ticles that had been consumed during the previous year; taking that as a basis, we would make up the quantities for the coming year.

Q. Well, you would necessarily figure that there was a natural increase necessary in the department year by year anyhow? A. I think if you go back to the schedules of 1881 to 1890, you will find that that appears there, that the different articles have been gradually increased from year to year.

Q. Now, what could have been the object in retaining a quantity—take for instance the item of soap, on the schedule year by year, the same quantity, 65,000 pounds, when in fact they were using from 75,000 to 80,000 pounds a year? Can you tell Mr. Toal what the object of that was? A. I really couldn't tell.

Q. Isn't it to the interest of the county to ask the bidder to bid upon as large a quantity as possible? A. Certainly.

Q. And isn't it to the interest of the contractor that where he bids upon an item of which a comparatively small quantity is advertised for, yet he knows, a much larger quantity will be called for, when he bids a good price upon such an item? A. Yes, I should say so.

Q. So that on the whole, taking such items as soap, and others to which your attention has already been called, it appears that the preparation of these schedules from 1890 to '94, the changes that were made in the addition of items, the classification of items must have been made by a mind that had the interest of favored contractors at heart, and not the interests of the county? Should you so suppose? A. The evidence would lead to that conclusion.

Q. Now let me call your attention to the item of Rio coffee, and show what the schedule calls for and what the amount was supplied from 1890 to '93, beginning with the schedule of 1890 and '91, page 6, line 112? A. (Referring to schedules). Schedule of 1890 and '91. Rio coffee, the quantity called for during the year was 40,000 pounds. The quantity consumed was 47,708 pounds.

Q. Now in 1891 and '92, page 7? A. The quantity called for in the schedule of 1891 and '92, was the same, 40,000 pounds for the year, and the quantity consumed was 36,711 pounds.

Q. That would show that they used 11,000 pounds less in that year than they used the year before, from 36,000 to 47,000? A. Yes.

Q. Who was the contractor in that year? A. The lowest year?

Q. Yes. A. Eighteen hundred and ninety-one and '92, James Thompson.

Q. Thompson was not a very favored contractor, was he, Mr. Toal? From what you see in the books he was not a contractor very frequently; Belford became the contractor afterwards, didn't he? A. Thompson was a contractor in my time very often.

Q. Yes, but after your time he was not a favored contractor? A. It seems not.

Q. Well, it appears so from the books? A. Yes; he didn't have much.

Q. Now, who succeeded Thompson in that particular class of goods? A. Well, in the following year Mr. Belford had the contract, William H. Belford.

Q. Now, just look at the year 1892 and 1893; what is the amount advertised for of that kind of coffee? A. The amount advertised for on the schedule of 1892 and 1893, was the same, 40,000 pounds for the year.

Q. How much was furnished that year? A. Although the schedule reads that it was only 20,000; that is a mistake; the coffee was called for up to 1892 and 1893, every three months, 10,000 pounds; but in the schedule of 1892 and 1893, it was called for twice a year; the supply was only asked for six months, but they still kept the same quantity, 10,000 pounds; that is a clerical error; it ought to be 40,000; the quantity advertised for was the same, 40,000 for the year, and the quantity supplied was 52,116 pounds.

Q. And what was the price that year; was it higher or lower than in 1891 and 1892 when Belford was the contractor? A. The price was higher.

Q. And they used in that year — A. I find that that is a mistake,

Mr. Hirsh; Mr. Belford was not the contractor in 1892 and 1893; he was the contractor for the butter and cheese, but the contractor for coffee in 1892 and 1893 was J. J. Walsh.

Q. The price was higher in 1892 and 1893 than it had been in 1891 and 1892? A. Yes; it was a fraction of a cent higher.

Q. And more than 16,000 pounds more were taken in that year than in the year previous? A. Yes, sir.

Q. Or at least were signed for, as shown by the stock ledger? A. Yes, sir.

Q. Is there any reasonable explanation for that Mr. Toal, in one year a reduction of the use of coffee of 11,000 pounds from the year previous, and the next year an increase of 16,000 pounds? A. I can't account for it; the population of the institutions doesn't vary; if anything, it is increasing at the rate of probably 150 a year, an average increase, 200 a year.

Q. Well, 150 a year wouldn't use 16,000 pounds of Rio coffee? A. No.

Q. And the year previous the institutions increased in number, too, and if they used coffee by reason of the increase of inmates in the institutions, that shouldn't cause a decrease of 11,000 pounds of Rio coffee? A. Not at all.

Q. Doesn't it look as if they wanted to favor one contractor and not the other? A. It looks that way.

Q. Now, what do you say on the question of Java coffee, in the same years, 1890 and 1891, to 1893; Java coffee, page 6, line 113, I think it is? A. Schedule of 1890 and 1891, Java coffee, the quantity advertised for was 3,000 pounds.

Q. How many were receipted for? A. Five thousand three hundred and sixty-two.

Q. And the price bid? A. The price bid was from 17 cents and a fraction to 21 cents a pound during the year.

Q. Now, in 1891 and 1892, how many do they advertise for? A. Eighteen hundred and ninety-one and 1892 they advertised for the same quantity, 3,000 pounds, and the quantity appearing on the stock ledger as having been consumed was 7,584 pounds.

Q. And the price? A. The price was 21.95 cents per pound.

Q. Now, in 1892 and 1893, what do you find? A. In 1892 and 1893 the quantity advertised for was 5,000 pounds.

Q. Five or ten? A. Yes, 10,000 pounds; and the quantity said to have been received, as shown by the stock ledger, was 13,494 pounds; the prices were from 21 cents to nearly 23 cents a pound, 21 cents for the first six months, and 22.87 of a cent for the second six months.

Q. Now this would show an increase of the use of Java coffee in two years of over 10,000 pounds, in that one item, from the 3,000 originally asked for, although 5,360 pounds said to be delivered, to 13,494 in 1892 and 1893? A. Yes; that is what it shows.

Q. What was Java coffee supposed to be used for, Mr. Toal? A. Well, Java coffee is supposed to be a coffee used for the officers.

Q. Well, the number of officers didn't increase from 1890 to 1892 to the extent of using 10,000 pounds more of Java coffee, did they, Mr. Toal? A. No, sir.

Q. And with a normal coffee appetite the same number of officers wouldn't use 10,000 pounds more of Java coffee in two years, could they? A. I don't think so.

Q. Have you any solution to give for those quantities, this vast difference of quantity in Java coffee said to have been delivered in those years? A. Well, it was either not delivered, or else delivered and taken away again, one of two solutions.

Q. I want to call your attention to the shoe contract; look at the schedules of 1890, 1890 and 1891, 1891 and 1892; who was the successful bidder in 1890 and 1891; you will find it on page 8, line 161 and 162? A. (Referring to schedules.) The successful bidder in 1890 and 1891 was Wechsler & Abrahams.

Q. And how many did they furnish? A. They furnished of men's shoes, sizes ranging from 6 to 13, 3,613 pairs.

Q. And who had the contract in 1891 and 1892? A. Eighteen hundred and ninety-one and 1892 the contract was held by Ann B. Kane.

Q. Who was Ann B. Kane? A. I think she keeps a shoe store at 49 Columbia street, Brooklyn.

Q. A large manufacturing establishment of shoes? A. Well, my impression is it is a retail shoe store.

Q. Any comparison between that establishment and Wechsler & Abrahams? A. Rather to the disadvantage of the Columbia street establishment, in size at least.

Q. What was the difference in the contract made with Ann B. Kane in 1891 and 1892 and that made with Wechsler & Abrahams in 1890 and 1891? A. Well, there seems to have been a reduction in the price of shoes, and very much increased consumption.

Q. She underbid Wechsler & Abrahams? A. Yes; that appears there; the figures of 1890 and 1891, Wechsler & Abrahams, shoes, on the sizes from 6 to 9, their bid was 72½ cents a pair, and on the sizes from 10 to 13, 75 cents a pair; Mrs. Kane's bid on the sizes from 6 to 9 was 70½ cents a pair, and on the sizes from 10 to — well, they have added two more sizes this year, I see.

Q. Sixteen? A. Fourteen and fifteen, 72 cents a pair; and the quantity supplied was 5,200 pairs, as against 3,613 the previous year.

Q. It doesn't say what sizes were supplied in that 5,000? A. No, because the shoes were all entered as one item—under one account.

Q. Mr. Hicks, the present storekeeper, testified when he got out of the institution, after having been appointed under the new commissioners in 1893 and '94, he found a large stock of about No. 16 shoes on hand? A. Yes, I saw them.

Q. Do you know whether those had been supplied by Ann Kane? A. Well, that I didn't hear, but I presume they were, because I think Mr. Hicks said they were received there previous to his going in, some time during that fiscal year; that he supposed they would last for the next fifty years.

Q. What could be the object of inserting in that shoe item those higher numbers; men's feet don't differ in public institutions any more than they do in private, do they, Mr. Toal? A. Well, I suppose — what would strike me as the object was this, that they would probably need during that year some shoes of the sizes of 13, 14 and 15, and that if they were called for it would be necessary for the shoe contractor to have them made to order; and not knowing what quantities of those sizes would be called for, it might have

the effect of frightening off a good many would-be bidders; but to those, or he or she, who knew that there wouldn't be any 13, 14 or 15 called for, it would enable them to make a bid to suit themselves.

Q. And was Ann Kane a successful bidder for the shoe item in 1892 and 1893; 1892 and 1893, who was the successful bidder on that item? A. T. H. Lowry, 107 Bleecker street, New York.

Q. What was his bid? A. Well, he bid on the sizes from 6 to 9, 69 cents a pair, and on the 10 to 15, he bid 70½ cents a pair; the total number used, according to the stock ledger, 5,100 pairs.

Q. Do they state in that advertisement for shoes what kind of shoes they want? A. Which, in the—

Q. In any of the schedules for those years; what language do they use as to the character of the shoes? A. Where?

Q. In the schedules? A. In here; "boots and shoes to be equal in quality to the samples, and to be of such sizes as may be required, in boxes, for which no charge shall be made."

Q. That leaves it all open to the storekeeper and the contractor? A. Yes.

Q. If he says the article is not equal to the sample, why then the article goes back? A. He has the power to reject it.

Q. A vast difference in shoes, isn't there, Mr. Toal? A. Very great.

Q. Shoe leather isn't always leather? A. Well, shoe men say it is not.

Q. And your experience with the county institutions, you have noticed that too, haven't you? A. Yes.

Q. Shoe leather is often made out of paper? A. Very often.

Q. And that is how the small shoe dealer can underbid a very large house? A. That is one reason.

Q. Now, will you look at the item of blankets, which has been so frequently mentioned in this investigation, Mr. Toal, and give us the schedules for all the years between 1889 to 1894, with all that appears upon the face of that item; name, brand, amount advertised for and quantities alleged to have been supplied? A. Well, on the schedule of 1889 and 1890, as on the schedules for several

years previous, the blanket items read as follows: Line 171, blankets, 10-4, wool, white, Falls of Schuylkill, 750 pairs; bid price, \$3.95 per pair; line 172, blankets, 10-4, wool, white, Alaska, 750 pairs advertised for, bid price \$2.97 a pair; line 173, blankets, silver gray, wool, 7 pounds per pair, Falls of Schuylkill, 300 pairs advertised for, bid price \$2.20 per pair; schedule of 1890 and 1891, line 213, blankets, 10-4, wool, white, Falls of Schuylkill, 1,000 pairs advertised for, bid price, \$3.75 per pair; line 214, blankets, 10-4, wool, white, Alaska, 900 pairs advertised for, bid price \$2.95 per pair; line 215, blankets, silver gray, wool, 7 pounds per pair, Falls of Schuylkill, 400 pairs advertised for, bid price \$2 per pair.

Q. Now, that silver gray item, what kind of a blanket was that—horse blanket or used for the almshouse? A. Used in the almshouse.

Q. Now, suppose you leave that item out; just mention the other items; that silver gray item blanket appears about the same? A. Yes.

Q. Now just confine your answer, Mr. Toal — A. Well, do you want the quantities furnished?

Q. Oh, yes. A. Well, in the fiscal year of 1890 and 1891, there was 150 pairs of Falls of Schuylkill blankets furnished.

Q. That was the \$3.75? A. Three dollars and seventy-five cents, and 1,791 pairs of the Alaska blanket at \$2.95 per pair.

Q. That is to say, the kind of blanket they advertised wanting 1,000 pairs, they took 150; the kind of blanket they advertised wanting 900 pair, they took 1,791; is that correct? A. That is correct; in the schedule of 1891 and 1892, line 221: Blankets, 10-4, wool, white, as per sample, six pounds, 150 pairs advertised for, bid price, 75 cents per pair, quantity consumed, none; line 222: Blankets, 10-4, wool, white, as per sample, six-pound, 2,000 pairs advertised for, bid price \$2.95 per pair, quantity used, 1,608 pairs.

Q. Now, what do you notice as a change between the language used in 1891 and 1892, and the language used in the schedule of 1890 and 1891? A. Why the brand of the blanket is left out entirely on both items.

Q. Yes; that left it open for the contractor and the storekeeper to get together on the question of a sample? A. Most decidedly.

Q. Well, we have a sample, too, Mr. Toal, in order to see what it was; now, what do you find in 1892 and 1893? A. Schedule of 1892 and 1893, line 221: Blankets, 10-4, wool, white, as per sample, six-pound, 1,500 pairs advertised for, bid price, 75 cents per pair, quantity used, none; line 222: Blankets, 10-4, wool, white, as per sample, six-pound, 1,000 pairs advertised for, bid price, \$3.95 per pair, quantity used, 2,030 pairs.

Q. In that year you find a change of \$1 per pair added to the blanket which was called for? A. Yes, sir; that shows here.

Q. Is there an apparent object in that blanket item, Mr. Toal, as it appears all those years? A. I should say there was.

Q. What is it? A. Mislead honest bidders.

Q. And favor some contractors? A. Yes, sir.

Q. You have looked through all these schedules, Mr. Toal, compared them one with the other; the various contractors, successful contractors, who have been upon the witness stand here and who have testified regarding the peculiarity of their bids, said that they simply guessed correctly; do you think that is possible? A. Well, I should say it was impossible; I don't think there are many contractors, or many bidders, guessing at that kind of business.

Q. Mr. Newman, the successful drygoods contractor testified that if he had been called upon to furnish the 75-cent blanket item as bid by him, he would have lost about \$3,000 on that item alone; that would hardly be pure guess work on the part of Mr. Newman, do you think? A. No; I think not.

Q. Was Mr. Newman ever a bidder in your time? A. My impression is that he bid in 1889; I am pretty sure he did, but he didn't get any.

Q. The brand for blankets in 1888 and 1889, the white Alaska, and the Falls of Schulykill, do you know whether those were a standard brand? A. Yes; they have been in use in the department for years, and I think that brand was furnished to Mr. Hicks, those brands, by one of the oldest drygoods merchants in the city of Brooklyn, in the city of New York, that is Mr. John W. Harmon.

Q. John W. Harmon? A. Yes; he is a partner in Dunham, Buckley & Co., and I think he was the authority on drygoods and blankets during Mr. Hicks' time as storekeeper, while I was there.

Q. You refer to the father of the present register? A. That is the gentleman.

Q. Where would the samples be obtained from where an article was mentioned in the schedule as per sample? A. Well, the store-keeper always obtained those samples — in my time Mr. Hicks always got those samples in New York, and I think of the drygoods samples, most of them came from Mr. Harmon, to the best of my recollection; but then the drygoods were generally bid for, if you will refer to the schedule of 1889 and 1890, by brands; they were known as standard brands of drygoods in the drygoods market.

Q. So that no sample was necessary? A. No sample was necessary.

Q. They were brands that every man in the business knew? A. Certainly, and every bidder who bid on that class of goods had the same opportunity of purchasing; they didn't confine the brands to any special make, or give anybody a particular advantage in that respect.

Q. Now you notice on those schedules concerning blankets that the item of gray blankets retained the same brand, Falls of Schuylkill, all the way along? A. I noticed that.

Q. Do you know how that was? A. Well, I suppose that as the demand for gray blankets was generally pretty small, it was hardly worth while to change that item.

Q. Only about 150 pair called for? A. Something of that kind.

Q. Wasn't much of make in that item? A. Not much.

Q. Now I want to call your attention to the item of marbleized oilcloth, and state what the various differences in that item were from the schedules of 1890 and 1891, to 1892 and 1893? A. Schedule of 1890 and 1891, line 217: Marbleized oilcloth for table tops, 200 yards advertised for, bid price, 20 cents per yard; none furnished.

Q. What do you find in 1891 and 1892? A. Schedule of 1891 and 1892, line 225: Marbleized oilcloth for table tops, quantity advertised for, 200 yards, bid price 40 cents per yard; none furnished; schedule of 1892 and 1893, line 225: Marbleized oilcloth for table tops, 200 yards advertised for, bid price 40 cents per yard, quantity furnished, 1,704 yards.

Q. Who was the successful bidder that year? A. Henry Newman.

Q. What was this sort of marbleized oilcloth used for, Mr. Toal? A. Well, it was used for covering tables.

Q. Where? A. At the asylum and hospital, and the Kings park.

Q. Now will you look at the schedules of 1889 and 1890 as to that item, and see what appears there? A. Have you the number of that?

Q. Well, none is there. A. Not on the schedule.

Q. It was impossible that an item that had not appeared on the schedules in previous years could suddenly have sprung into the prominence for the use of 1,700 yards, legitimate use? A. Hardly.

Q. Will you look at the item of blue cloth, see if there is any advertised for in the year 1889 and 1890? A. Yes, sir; that is on the schedule of 1889 and 1890, as a line item.

Q. And what is the bid price? A. The bid price is 34 9-10 cents a yard.

Q. How many yards are advertised for? A. Four hundred.

Q. Now, will you look at the schedule of 1890 and 1891 and see what the changes are, page 12, lines 223 and 224? A. Yes, I have it.

Q. What do you find? A. Blue cloth, as per sample, line 223, 500 yards advertised for, bid price, 32½ cents a yard; none used.

Q. Now, in 1891 and 1892? A. Eighteen hundred and ninety-one and 1892, line 231, blue cloth, as per sample, 500 yards advertised for, bid price, 2½ cents a yard; quantity used, none.

Q. Where do you find those items in those last two years, 1890 and 1891 and 1891 and 1892; in lines or classes? A. Oh, no, they are in a class—in the dry goods.

Q. Now, in 1892 and 1893? A. Schedule of 1892 and 1893, line 231, blue cloth, as per sample, 500 yards advertised for; bid price 2½ cents per yard; quantity used, none.

Q. That was a legitimate item of use in the department, wasn't it, Mr. Toal? A. My recollection of the blue cloth business is that when Dr. Harrison was superintendent at St. Johnland, he thought

he would put his male attendants in uniform; it was talked of between him and the commissioners, and this blue cloth item was put on the schedule as a line item because the possibility existed that it would not be done—there wouldn't be any uniforms used—and that is how it came there; but during the administration from 1890 to 1894 the uniforms were bought under contract, outright, for nurses and attendants and everybody else.

Q. And they didn't use any cloth of that kind? A. So there wasn't any use of any cloth of any kind for that purpose.

Q. The uniforms were contracted for and sent ready made to the department? A. Yes.

Q. Well, what was the object of retaining this item of blue cloth in the schedule? A. Well, the same as all the rest—to mislead honest bidders,

Q. Of course, nobody could furnish blue cloth at $2\frac{1}{2}$ cents a yard? A. No, sir.

Q. I will call your attention to the item of kerseys, schedule of 1890 and 1891, to 1892 and 1893, page 12? A. Yes, sir; I have it.

Q. What do you find to be the bid price? A. Schedule of 1890 and 1891, line 245, kerseys, W. J. Dickey & Son, all wool, 3,000 yards advertised for, bid price 46 cents a yard and 3,046 yards furnished.

Q. Is there any other kersey item there? A. There is; line 246, kerseys, white, as per sample, 2,500 yards advertised for, bid price, 30 cents per yard; quantity furnished, none.

Q. Now, will you look at the schedule of 1891 and 1892? A. Schedule of 1891 and 1892, line 253; kerseys, W. J. Dickey & Son, all wool, 3,000 yards advertised for, bid price, 46 cents a yard; quantity furnished, 1,911 yards; line 254, kerseys, white, as per sample, 2,500 yards advertised for, bid price $32\frac{1}{2}$ cents a yard; quantity furnished, 2,508 $\frac{1}{2}$ yards; schedule of 1892 and 1893, line 253, kerseys, W. J. Dickey & Son, all wool, quantity advertised for, 3,000 yards; bid price, 46 cents per yard; quantity furnished, 3,031 yards; line 254, kerseys, white, as per sample, 2,500 yards advertised for, bid price, $2\frac{1}{2}$ cents a yard; quantity furnished, none.

Q. The two previous years the white kersey, in 1890 and 1891, it was 30 cents a yard, and in 1891 and 1892 $32\frac{1}{2}$ cents a yard; at 30

cents none were furnished, at $32\frac{1}{2}$ cents a yard 2,500 yards were furnished, and at $2\frac{1}{2}$ cents none were furnished? A. Yes.

Q. That is correct, is it, Mr. Toal? A. Yes, sir.

Q. Now, do you say that the object of retaining that item in the schedule was similar to the others? A. I do, and I further say that it would appear to me that the contractor in 1891 and 1892, who had delivered $2,508\frac{1}{2}$ yards of that material for use in the institutions, was pretty certain that they wouldn't need any for the coming year.

Q. And it fully supplied them? A. It fully supplied them.

Q. Who was the contractor in those two years? A. Henry Newman.

Q. In both years? A. Yes, sir.

Q. The item of Atlantic A sheeting, brown, shows some very peculiar changes in quantities, orders, quantities alleged to have been received and price; will you look at the schedule of 1889 and 1890 and see what the advertisement is for that year? A. Schedule of 1889 and 1890, line 207; sheeting, brown, 4-4, Atlantic A, 40,000 yards advertised for, bid price 7.23 cents per yard; schedule of 1890 and 1891, line 257; sheeting, brown, 4-4, Atlantic A, 45,000 yards advertised for, bid price 7.1 cents per yard; quantity furnished, 41,045 yards.

Q. They were obviously dealing gently with the contractor that year at the low price? A. It seems so; well, that is pretty near the market price of the goods, I guess.

Q. Schedule of 1891 and 1892, line 265; sheeting, brown, 4-4, Atlantic A, 45,000 yards advertised for, bid price 10 cents per yard; quantity furnished, as per stock ledger, 47,017 yards; schedule of 1892 and 1893, line 265; sheeting, brown, 4-4, Atlantic A, 45,000 yards advertised for, bid price 10 cents per yard; quantity furnished, as per stock ledger, $53,552\frac{1}{2}$ yards.

Q. The increase in two years was 13,500 yards in that item? A. Yes.

Q. When the price raised from a trifle over 7 to 10 cents a yard? A. Yes.

Q. Atlantic A sheeting is a staple article and known all over, isn't it, Mr. Toal? A. I believe so; yes, sir.

Q. Even you, in the newspaper business, know something about Atlantic A? A. Yes.

Q. And that is an article that is sold at a fractional profit by all dealers? A. Yes, sir.

Q. Never was the legitimate raise of 2.9 cents a yard, was there, to your knowledge? A. No, sir; I think any ordinary householder knows that if they paid 10 cents a yard for brown sheeting, a yard wide, it would be outrageous.

Q. And yet here the department paid it, and purchased 53,552 $\frac{1}{4}$ yards at a time? A. Yes, sir.

Q. Before, that item of sheeting appeared in the same class with the blanket item? A. Yes, sir; dry goods.

Q. That is where the contractor got in his fine work? A. It seems so.

Q. By bidding 75 cents for a blanket that wouldn't be called for and 10 cents for sheeting that large quantities would be called for? A. Yes, sir.

Q. But he didn't know anything at all about it, so he says. A. Well, he was a good guesser.

Q. Well, will you look at the item of muslin for bandages, in 1889 and 1890? A. I have it; line 201, schedule of 1889 and 1890.

Q. How many yards^s advertised for? A. Muslin for bandages, unbleached Utica, quantity advertised for 3,500 yards, bid price 4 4-10 cents per yard; schedule of 1890 and 1891, line 252, muslin for bandages, unbleached Utica C, quantity advertised for 4,500 yards, bid price 4 $\frac{1}{4}$ cents per yard, quantity furnished 5,501 yards; schedule of 1891 and 1892, line 260, muslin for bandages, unbleached Utica C, quantity advertised for 4,500 yards, bid price 6 cents per yard, quantity furnished, 6,301 $\frac{1}{4}$ yards.

Q. That is a raise of a cent and three-quarters a yard? A. Yes, sir.

Q. And accordingly the quantity furnished is increased? A. Yes, sir.

Q. Now, what do you find in 1892 and 1893? A. Schedule of 1892 and 1893, line 260: Muslin for bandages, unbleached Utica C, quantity advertised for 4,500 yards, bid price 6 cents per yard, quantity furnished, 9,633 $\frac{3}{4}$ yards.

Q. So that the quantity had almost trebbled from that advertised for in 1889 and 1890? A. Yes, sir.

Q. Do you know how they cut up this muslin for bandages, how many yards of bandage they make out of a yard of muslin, or how many inches wide, whether it is three inches wide that they use for it or not? A. I think it is three inches wide.

Q. So that out of 36 inches they make 12 yards of bandages? A. Yes, sir.

Q. And this vast increase of bandages would show an enormous increase of surgical operations; what kind of fence did they build around the institutions out there, do you know, Mr. Toal? A. I think it was a fence with wooden posts and iron pipe running around it.

Q. Didn't use any of this kind of material for that fence? The question of shawls, Mr. Toal, has also been one of peculiar changes; what do they use shawls in the various institutions for? A. Well, they gave them to the women inmates.

Q. In what institutions, particularly? A. Well, I think there are more used in the almshouse than in the others.

Q. And do they use different sizes for the old women and the young women? A. They use a shoulder shawl and a larger size shawl.

Q. Well, do the inmates of the almshouse vary in number very greatly from year to year? A. Well, I think not.

Q. Just look at the item of shawls, beginning in the schedule of 1889 and 1890, to the schedule of 1892 and 1893, and show the changes there? A. Schedule of 1889 and 1890, line 209: Shawls, women's Peacedale, 40x40, 40 dozen advertised for, bid price \$5.40 per dozen; line 210: Shawls, women's Manitoba, 63x63, 30 dozen advertised for, bid price \$14 per dozen; schedule of 1890 and 1891, line 259, shawls, women's Peacedale, 40x40, 40 dozen advertised for, bid price \$5 per dozen, and 120 9-12 dozen furnished; line 260: Shawls, women's Manitoba, 63x63, 30 dozen advertised for, bid price \$13.50 per dozen, quantity furnished 67 6-12 dozen; schedule of 1891 and 1892, line 267: Shawls, women's Peacedale, 40x40, 40 dozen advertised for, bid price \$7.50 per dozen, quantity furnished, 159 $\frac{1}{4}$ dozen.

Q. An increase from the previous year of how many dozen, an alleged increase? A. Well, over 30 dozen; over 39 dozen; line 268: Shawls, women's Manitoba, 63x63, 30 dozen advertised for, bid price \$16.50 per dozen, quantity furnished, 13 dozen; schedule of 1892 and 1893, line 267: Shawls, women's Peacedale, 40x40, 40 dozen advertised for, bid price \$7.50 per dozen, quantity furnished, 170 dozen.

Q. What increase was that over the year previous again? A. That is 11 dozen; line 268: Shawls, women's Manitoba, 63x63, 30 dozen advertised for, bid price \$16.50 per dozen, quantity furnished, 78 dozen.

Q. That was an increase over the year previous of 65 dozen? A. Sixty-five dozen.

Q. Well, do you know what they used 65 dozen more shawls for in 1892 and 1893 than they did the year before? A. Well, I think that the matter that was brought up yesterday in relation to the 50 dozen that were sent to the almshouse accounts for part of that increase.

Q. That 50 dozen that was alleged to have been sent to the almshouse possibly didn't reach there? A. Well, it was signed for by the almshouse steward; he called for 15 dozen on his requisition and they very kindly sent him 50; that accounts for part of that increase on the large sizes.

Mr. Shulz.— This committee will stand adjourned until 10 o'clock to-morrow morning.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON AFFAIRS OF CITIES AT A MEETING HELD FRIDAY MORNING, AUGUST 16, 1895, AT THE COURT-HOUSE, BROOKLYN, N. Y.

Present.— Honorable F. F. Schulz of committee, Mr. Hugo Hirsh of counsel.

Daniel C. Toal, having been recalled for further examination, testified as follows:

Examined by Mr. Hirsh:

Q. Have you the schedules there, Mr. Toal? A. Yes, sir; I have them.

Q. Will you look in the schedule of 1889 and 1890 and state whether there is an item on that schedule of bleached damask towels? A. I don't find any.

Q. Will you look on the same schedule and see if there is such an item as bleached huck towels? A. No, sir.

Q. Now, will you look upon the schedule of 1890 and 1891 and see what you find with reference to that kind of an item — page 12, line 222? A. I find an item in the schedule of 1890 and 1891, line 222, bleached damask towels, 22x45, 5 dozen called for, bid price \$2 per dozen.

Q. How many furnished? A. None.

Q. Now what do you find as to huck towels, line 221? A. Line 221, bleached huck towels, 20x40, 5 dozen advertised for, bid price \$1.50 per dozen.

Q. How many furnished? A. None furnished.

Q. Now will you look in the same schedule on the next page, line 267? A. Line 267, towels as per sample, 50 dozen advertised for, bid price \$2 per dozen, and 30 dozen furnished.

Q. What is the solution of that sort of a schedule, Mr. Toal; two items added that had never been on the schedule before, none furnished; and another item of which a large quantity is furnished? A. Well, it looks like another misleading item, or misleading items, as there are two of them.

Q. There can not be any question but what those two items which had not appeared in the previous years were placed in the following year's schedule with some object in view? A. That is what I would think.

Q. It shows that upon its face, Mr. Toal? A. Yes, sir.

Q. Now look at the following year's schedule, in 1891 and 1892, and see what you find on that matter — 1891 and 1892, page 13, line 230? A. Line what?

Q. Line 230? A. Schedule of 1891 and 1892, line 230; bleached damask towels, 22 by 45, 5 dozen advertised for; bid price, \$2 per dozen; none furnished.

Q. Is the huck towel item there too? A. Line 229; bleached huck towels, 20 by 40, 5 dozen advertised for; bid price, \$1.50 per dozen; none furnished.

Q. And the item of towels as per sample? A. Line 275; towels, as per sample, 50 dozen advertised for; bid price, \$2 per dozen and 43 dozen furnished.

Q. That is 13 dozen more than the year before? A. Yes, sir.

Q. All those towel items appear in the same class, don't they, Mr. Tol? A. In the dry goods class; yes, sir.

Q. Now, look in the schedule of 1892 and 1893 and see if the same items appear in the same language and with the same results? A. Schedule of 1892 and 1893, line 229; bleached huck towels, 20 by 40, 5 dozen advertised for; bid price, \$1.50 per dozen; none furnished; line 230, bleached damask towels, 22 by 45, 5 dozen advertised for; bid price, \$2 per dozen and none furnished; line 275, towels, as per sample, 50 dozen advertised for; bid price, \$2 per dozen, 28 dozen furnished.

Q. What was the item of towels—the language of the item of towels in the schedule of 1889 and 1890? A. Schedule of 1889 and 1890, there was but one line of towels of that kind; the item read, “Towels, as per sample.”

Q. That covered all the requisitions for towels in that schedule? A. All of that kind; there was a Turkish towel called for on a lower line; a higher-priced article.

Q. But for ordinary towels that one line covered all? A. That was the only one used.

Q. And what was the bid price that year? A. Two dollars and twenty-five cents per dozen.

Q. Now, will you look at the schedule of 1891 and 1892, page 13, line 235; the item of seersucker? A. Schedule of 1891 and 1892, line 235; seersucker, plain, as per sample, 12,000 yards advertised for; bid price, 12½ cents a yard; quantity furnished, 8,534½ yards.

Q. Now, look in the same class on the next page and see what you find; line 287? A. Line 287; seersucker, as per sample, 1,000 yards advertised for; bid price, 2½ cents per yard; none furnished.

Q. Will you look at the schedule of 1889 and 1890 and see whether

there is such an item there, and, if so, what is the language used here? A. It don't seem to be here.

Q. There is no such item on the schedule? A. No, sir.

Q. Well, what is the reason, or what should you judge to be the reason of two items of seersucker appearing in one schedule in 1891 and 1892? A. Well, I should say that one item was put in for the purpose of misleading honest bidders.

Q. But there is a vast difference in the bid there—from $12\frac{1}{2}$ cents to $2\frac{1}{2}$ cents a yard? A. Yes, sir; I noticed that.

Q. What is the object to be subserved by doing that? A. Well, the successful bidder must have been, in that case, a good guesser.

Q. But here are two items containing the same language, with the exception that one is marked "Seersucker, plain, as per sample," and the other, "Seersucker, as per sample," both in the same schedule; it is the same article, and the item might have been covered by using the language "plain" or "as required;" the difference in price, as I understand, not being a great deal; how could a contractor bidding on the same article, in two places, make such a vast difference as appears—10 cents on an article per yard, that is not worth that per yard—unless he had some knowledge that the cheaper item would not be called for? A. Well, he must have had that knowledge.

Q. Now, will you look at the schedules of 1892 and 1893, the same item, and see what its condition is there? A. Schedule of 1892 and 1893, line 235; seersucker, plain, as per sample, 12,000 yards advertised for; bid price, $12\frac{1}{2}$ cents per yard and none furnished.

Q. And that was the item on the former year's schedule of which a large quantity, over 8,000 yards, were furnished? A. Yes, sir; the same item.

Q. Now, look at the following page in the same schedule of 1892 and 1893 and see what you find there—page 14 line 287? A. Line 287; seersucker, as per sample, 1,000 yards advertised for; bid price, 15 cents per yard; quantity furnished, 4,411 $\frac{1}{2}$ yards.

Q. At 15 cents per yard? A. At 15 cents per yard.

Q. That would also show an evident understanding between the contractor and somebody that the higher-priced article, that year, was to be furnished? A. That is the evidence.

Q. I would like you to look at a receipt, storekeeper's receipt, of April 13, 1893, hospital, and compare it with the hospital requisition covering the same articles, which I now show you; will you look at the hospital requisition for April 4, 1893, and state what the requisition calls for in the shape of shawls? A. I find on the hospital requisition of that date the following items, among others, line 207; 20 women's shawls, 40 by 40; line 208, 20 ditto, 63 by 63.

Q. Now, there is no mention there of a dozen shawls or two dozen shawls or 20 dozen shawls; is there any such mention there? A. There is not.

Q. It simply mentions 20 shawls? A. Twenty shawls.

Q. Now, will you please state what the receipt shows? A. The hospital receipt book, stub dated April 13, 1893, among other items, 20 dozen of shawls, large; 20 dozen of ditto, small; appear to have been received on the 12th of April, the day before the date of the receipt, according to the figures on the side of the stub.

Q. There is a difference of 220 of each kind of shawls between the receipt and the requisition, making a total difference of 440 shawls? A. Yes, sir.

Mr. Hirsh.—I want to offer that requisition and receipt in evidence and have them marked as exhibits.

(The requisition referred to was here marked by the stenographer Exhibit No. 26. The receipt referred to was marked by the stenographer Exhibit No. 27.)

Q. Now, do you know how many female inmates there are in the almshouse, Mr. Toal, usually? A. Oh, I should say between 600 and 700.

Q. And a requisition for 40 dozen shawls— A. This is the hospital, Mr. Hirsh; you said the almshouse.

Q. In the hospital, I meant, Mr. Toal? A. We have not got the weekly reports; that would show it; I can't tell you what the number is; I can't tell you what the number is in the hospital without referring to the weekly report of that date.

Q. Well, the entire number of inmates in the hospital, as has been testified to here, is between 500 and 600? A. Yes, sir.

Q. So that the female side of the hospital, as has also been testified to, is not as crowded as the male? A. Yes, sir.

Q. That would leave a less number than the male in proportion?

A. Yes, sir.

Q. And a requisition for 40 dozen shawls would be a very large one under any circumstances, wouldn't it, Mr. Toal? A. It would; I might add in addition to that that while not certain upon the point my impression is that the female inmates of the hospital are not furnished with shawls as a rule.

Q. So when 40 shawls were in fact ordered by requisition that may have been only for the nurses? A. Well, they would not be furnished with shawls; if they want shawls they are supposed to buy them out of their wages; those 40 shawls may have been intended for some permanent patients, some very old patients or very sick patients—something of that kind.

Q. Well, what could 40 dozen have been intended for? A. Well, I couldn't answer that question.

Q. I wish you would look at the drug requisition of July 5, 1893, and state what amount of Atlantic A sheeting is called for there?

A. July 12th?

Q. July 5, 1893? A. The hospital drug requisition of July 5, 1893, calls for 15 pieces of sheeting, brown, 4-4, Atlantic A.

Q. About how many yards in a piece? A. About 50 yards.

Q. That would make a call for 750 yards. A. Seven hundred and fifty yards.

Q. Now, if you will look at the hospital receipt book for the same date, July 5, 1893, and see what was signed for? A. What date was that?

Q. July 5th. A. On the hospital receipt book of July 5, 1893, there were 1,015 yards signed for.

Q. Of Atlantic A sheeting? A. Atlantic A, brown sheeting, drug store.

Q. Now if you look on the hospital drug requisition for July 12, 1893, for muslin for bandages? A. Yes, I have it.

Q. How many pieces were ordered by the requisition on that day? A. Ten pieces muslin, unbleached, Utica.

Q. That would be about 500 yards? A. Yes, sir.

Q. And what does the receipt book of about that day show? A.

The receipt of July 18th shows that $780\frac{3}{4}$ yards of bandage muslin, which is the same article, was signed for.

Q. So of the Atlantic A there was a difference of 265 yards, and of the muslin for bandages a difference of $280\frac{3}{4}$ yards.

Q. Will you look at the schedules for the same date, the same year, Mr. Toal, and just state whether the prices for those articles were particularly high that year as compared with former years?

A. The item of muslin for bandages on the schedule of 1892 and 1893 was 6 cents per yard; the price for Atlantic A sheeting was 10 cents per yard.

Q. Now, if you will look at the two years' previous you will find that the price of Atlantic A sheeting was 7 and a fraction, and the price of muslin for bandages 4 and a fraction—see if that is not so.

A. On the schedule of 1891 and 1892 the prices were the same, 6 and 10 cents; on the schedule of 1890 and 1891 the price of muslin for bandages was $4\frac{1}{4}$ cents, and for Atlantic A sheeting 7 1-10 cents.

Q. Mr. Toal, will you look at the schedule of 1889 and 1890 upon the item of men's socks; state how many were ordered and what the item is; page 10, line 218? A. Schedule of 1889 and 1890, line 218; socks, men's mixed, as per sample, 2 pounds 8 ounces to dozen, 600 dozen advertised for, and bid price \$1 per dozen.

Q. Now the schedule of 1890 and 1891? A. Schedule of 1890 and 1891, line 220; socks, men's, mixed, as per sample, 2 pounds 8 ounces to dozen, 700 dozen advertised for, bid price 92 cents per dozen, 858 dozen furnished—signed for.

Q. Now the schedule of 1891 and 1892? A. Schedule of 1891 and 1892, line 278, socks, men's mixed, as per sample, two pounds and eight ounces to dozen, 700 dozen advertised for, bid price \$1 per dozen, and 835 2-3 dozen were furnished.

Q. Now look at the schedule of 1892 and 1893? A. Schedule of 1892 and 1893, line 278, socks, men's mixed, as per sample, two pounds and eight ounces to dozen, 700 dozen advertised for, bid price \$1 per dozen, 1,304 dozen furnished.

Q. Over 600 dozen pair more furnished than advertised for, and about 500 dozen pair more furnished than in the previous year.

A. That is the record, sir.

Q. Yes; that is the record as appears from the stock ledger? A. Yes, sir.

Q. Five hundred dozen pairs is a difference of 6,000 pairs of socks in one year? A. Yes, sir.

Q. Is that a legitimate increase, Mr. Toal? A. I should say not.

Q. Where the increase in the institutions is only about 100 individuals per year, what is your opinion as to the solution for that vast increase of socks signed for? A. Either that they were not received or else received and taken away again.

Q. Now will you look at the item of rubber boots, schedule of 1890 and 1891, page 15, line 322? A. There are two kinds of boots there; one is an ordinary boot and one is a knee boot? A. Yes, sir.

Q. Just state the peculiarities of the bidding and the purchases in the various years. A. On the schedule of 1890 and 1891, rubber boots, knee, men's best quality, numbers to be selected, pairs, 10 dozen advertised for, bid price \$27.50 per dozen; line 323, rubber boots, ordinary, men's best quality, numbers to be selected, pairs, 10 dozen advertised for, bid price \$26 per dozen, 3 2-12 dozen of each kind furnished.

Q. Now look at the schedule of 1891 and 1892, page 16, line 339. A. Schedules of 1891 and 1892, line 339, rubber boots, knee, men's best quality, unumbers to be selected, pairs, 10 dozen advertised for, bid price \$26.75 per dozen.

Q. Now how many dozen were furnished? A. Thirteen dozen; line 340, rubber boots, ordinary, men's best quality, numbers to be selected, pairs, 10 dozen advertised for, bid price \$26.25 per dozen.

Q. How many furnished of the latter? A. None.

Q. None; now, in the schedule of 1892 and 1893, page 16, line 339? A. Schedule of 1892 and 1893, line 339, rubber boots, knee, men's best quality, numbers to be selected, pairs, 10 dozen advertised for, bid price \$24 per dozen, and 3 3-12 dozen furnished; line 340, rubber boots, ordinary, men's best quality, numbers to be selected, pairs, 10 dozen advertised for, bid price \$26.25 per dozen, quantity furnished, 26 7-12 dozen.

Q. That is, each year the most expensive boot was furnished? A. Yes, sir; that is what the schedule shows.

Q. And that is what the records show? A. The records show that; yes, sir; and on the schedule of 1892 and 1893 it shows that the knee boots, which, on the schedules of other years were the highest price, were the lowest price.

Q. They were reduced? A. Yes, sir.

Q. From \$26.75 to \$24? A. Yes, sir; and the other boots were the higher priced—the ordinary boots.

Q. Will you look at the schedule of 1889 and 1890 on the item of brooms? A. Yes, sir; I have it.

Q. What do you find the advertisement to be in that year? A. Schedule of 1889 and 1890, line 286; brooms, house, as per sample, 150 dozen advertised for, bid price \$2.20 per dozen; line 289, ditto, 5 dozen advertised for, bid price \$2.70 per dozen.

Q. So that would show, Mr. Toal, that in the year 1889 and 1890 they wanted two kinds of brooms—a large quantity of one kind and a small quantity of another? A. Yes, sir.

Q. And that the contractor would have to go by the sample as shown in the department? A. Yes, sir.

Q. And the bid price shows an honest difference between the qualities required—\$2 for one kind and \$2.70 for another.

A. Two dollars and twenty cents—a difference of 50 cents a dozen?

Q. Fifty cents a dozen? A. Yes, sir.

Q. Now will you look at the schedules of the following years and see what that item shows? A. In the schedule of 1890 and 1891, line 338—brooms, house, as per sample, 200 dozen advertised for, bid price \$2.10 per dozen; line 339; brooms, house, as per sample, 30 dozen advertised for, bid price, \$2.60 per dozen, and 201 dozen of both kinds furnished.

Q. Now in the years 1890 and 1891 they increased the number advertised for of the ordinary 50 dozen, and 6 times the number of the previous year of the better kind? A. Yes, sir.

Q. In the former year, in 1889 and 1890, you advertised for 5 dozen and the next year for 30 dozen? A. Yes, sir.

Q. Do you think that looks like a legitimate increase of the better quality of brooms, Mr. Toal? A. I don't think it does.

Q. It would hardly be possible that they would use six times more of a fine broom in one year than they did in the year previous?

A. No, sir.

Q. Now, if you will look at the schedule of 1891 and 1892, page 17, line 355, and see what the item shows there? A. Schedule of 1891 and 1892, line 355; brooms, house, as per sample, 20 dozen advertised for, bid price, \$1.25 per dozen.

Q. And how many supplied? A. None; line 356; brooms, house, as per sample, 30 dozen advertised for, bid price \$3 per dozen, and 260 dozen furnished.

Q. Well, now, let's get that item fully on the record; the cheaper broom has been reduced from what it was originally, \$2.20 a dozen, and is now \$1.25? A. Yes, sir.

Q. The better priced broom, or the better class of broom, is increased from \$2.70 a dozen, to how much—\$3? A. Three dollars.

Q. Three dollars a dozen; none of the cheaper class of brooms is taken while always the larger quantity has been theretofore taken of that class, and nine times as many as advertised for or thereabouts of the better class of brooms is purchased at the higher price; is that right? A. That is what the records show; yes, sir.

Q. Now look at the schedule of 1892 and 1893 and see what the record shows there? A. Schedule of 1892 and 1893.

Q. Line 355? A. Line 355; brooms, house, as per sample, 200 dozen advertised for, bid price, \$1 per dozen.

Q. Were any furnished? A. None furnished; line 356, brooms, house, as per sample, 30 dozen advertised for, bid price \$3.25 per dozen, and 260 dozen furnished.

Q. So it appears again, Mr. Toal, that whoever made up that schedule, with the knowledge of a former year before him that none of the cheaper grade brooms were called for, that nine times as many of the higher grade was called for, yet retains the same item, the same quantities in that year; what is the solution of that, Mr. Toal? A. Well, I should say that the successful bidder in this case must have known that none of the cheaper brooms would be called for.

Q. And with that knowledge he reduces the price of the cheaper

broom year by year and increases the price of the better broom, or alleged better broom, year by year? A. Yes, sir; he does.

Q. And if the sample by which he goes remains the same poorer class broom he profits at both ends? A. Decidedly.

Q. Who was the contractor in those years? A. Cavanagh & Thompson.

Q. Were they contractors under the old regime before 1890? A. No, sir; they never were.

Q. Did you know either of the parties? A. Thompson bid in his individual name for two or three years while I was secretary of the board, but he never secured a contract.

Q. Will you look at the item of indurated fibre ware, schedules of 1890 and 1891, lines 373 and 374? A. Schedule of 1890 and 1891, line 373, chambers, indurated fibre ware, six dozen advertised for, bid price \$7.80 per dozen, three dozen furnished.

Q. What lines have you been reading from? A. Line 373.

Q. Now, read line 374 also? A. Line 374, wash basins, indurated fibre ware, six dozen advertised for, bid price \$3.50 per dozen, and none furnished.

Q. Now, will you look at the schedules of 1891 and 1892, the same item, lines 391 and 392? A. Schedule of 1891 and 1892, line 391, Chambers, indurated fibre ware, six dozen advertised for, bid price \$10 per dozen, 47 dozen furnished; line 392, wash basins, indurated fibre ware, six dozen advertised for, bid price \$1 per dozen, and none furnished.

Q. That is again the lower-priced item of the same class, not called for, and the other that was furnished the price was raised to an extraordinary sum? A. Yes, sir.

Q. Now, if you will look at the same items in the schedule of 1892 and 1893 and see what you find there? A. Schedule of 1892 and 1893, line 391, Chambers, indurated fibre ware, six dozen advertised for, bid price \$15 per dozen, and 64 dozen furnished; line 392, wash basins, indurated fibre ware, six dozen advertised for, bid price \$1 per dozen, and none furnished.

Q. So that the one item again increased from \$10 to \$15 per dozen, and the other was again reduced? A. Yes, sir; and the quantity.

Q. And the quantity purchased? A. The quantity said to have been purchased nearly doubled.

Q. Will you look also on page 18 on the schedule of 1892 and 1893, lines 409 to 417 A, what do you find there? A. I find 17 items of indurated fibre ware.

Q. Of the same class? A. From line 409 to line 417 A, inclusive—the same class of goods.

Q. Were any of them furnished? A. Well, I will read the items and then tell you which they bought and the prices. Stable pails, \$10 a dozen; chamber pails, \$3 a dozen; star pails, \$5 a dozen; five pails, deep, \$5 a dozen; dairy pails, \$1 a dozen; wash basins, 50 cents a dozen; grocery scoops, No. 2, 50 cents per dozen; dish pans, \$1 per dozen; barrel covers, \$1 per dozen; spittoons, No. 2, \$10 per dozen; spittoon tops, No. 2, \$1 per dozen; cleaners, \$1 per dozen; water-coolers, 5 gallons, \$15 per dozen; slop jars, \$10 per dozen; liquid measures, 1 gallon, \$2 per dozen; liquid measures, 2 quarts, \$2 per dozen; that is all; this line 417 is the last; now they are advertised in quantities of from 1 to 25 dozen, and of all those items there were none furnished except the spittoons, No. 2, at \$10 a dozen, and the quantity furnished was six dozen.

Q. You have mentioned the item of wash basins there? A. Yes, sir.

Q. That is the same item that you had read before? A. Yes, sir; precisely.

Q. And the second time you read it among the list of items, and the price is 50 cents a dozen, and in the other place it is \$1 a dozen? A. Yes, sir.

Q. Do you find that class of items in any of the schedules previous, Mr. Toal? A. No, sir.

Q. There must have been some object in putting a large number of items in the schedule of 1892 and 1893, and none furnished; what is your solution of that, Mr. Toal? A. Well, judging from the prices bid, I should say that there were several items in that class that they expected would be called for, and of all the items there was but one, and that was the spittoons; the stable pails at \$10 per dozen, the water-coolers at \$15 per dozen, and the slop-jars

at \$10 per dozen looked to be about the only items that they expected to furnish.

Q. At a very high price? A. Yes, sir.

Q. The others are very low prices? A. The others are very low prices.

Q. Well, look at the item of tin dippers, Mr. Toal, in the schedule of 1891 and 1892, page 19 line 452? A. Yes, sir; I have it.

Q. What is the amount bid there? A. Schedule of 1891 and 1892, line 452, tin dippers, 3 gallons, with sockets for wood handles, 2 dozen advertised for, and bid price \$10 per dozen.

Q. Now, in December, 1890, who was the contractor that year that you read? A. James Brooks.

Q. In December, 1890, here is an emergency bill where six of these dippers are called for and Brooks charges them \$3 apiece? A. Yes, sir; I remember the bill.

Q. That is at the rate of \$36 a dozen? A. Yes, sir.

Q. What is the solution of that, Mr. Toal; here is a contract for dippers at \$10 a dozen, and here is an emergency of the same thing exactly, and they charge \$36 a dozen? A. Well, judging from the price of dippers of other smaller sizes, comparing prices, I should say that \$36 a dozen for those dippers was an enormous price.

Q. And the object was to give Mr. Brooks a large profit? A. Decidedly.

Q. Will you look at the item of spoons, Mr. Toal, in the year 1889 and 1890; what was that item? A. Tea spoons and table spoons and soup spoons?

Q. Yes, sir. A. Schedule of 1889 and 1890, line 338; tea spoons, tinned iron, No. 305; 25 dozen advertised for; bid price, 15 cents per dozen; line 339, table spoons, tinned iron, No. 40; 75 dozen advertised for; bid price, 22 cents per dozen; line 340, soup spoons, tinned iron, No. 40; 10 dozen advertised for; bid price, 22 cents per dozen.

Q. Now, the schedules of 1890 and 1891, lines 397, 398 and 399? A. Schedule of 1890 and 1891, line 397; tea spoons, tinned iron, No. 305; 50 dozen advertised for; bid price, 15 cents per dozen.

Q. This year they advertised for double the amount in 1890

and 1891 than what they advertised for in 1889 and 1890? A. Yes, sir; line 398; table spoons, tinned iron, No. 40; 100 dozen advertised for; bid price, 20 cents per dozen; line 399, soup spoons, tinned iron, No. 40; 10 dozen advertised for; bid price, 20 cents per dozen.

Q. How many dozen advertised for? A. Soup spoons, 10 dozen, 20 cents per dozen.

Q. And how many dozen purchased or ordered? A. Well, of the three spoon items there were 329 purchased.

Q. Now, look at the schedule of 1891 and 1892, page 19 line 433? A. Schedule of 1891 and 1892, line 433; tea spoons, tinned iron, No. 305; 45 dozen advertised for; bid price, 50 cents per dozen.

Q. That is an increase of 35 cents a dozen? A. Yes, sir; line 434, table spoons, tinned iron, No. 40; 50 dozen advertised for; bid price, 65 cents per dozen; line 435, soup spoons, tinned iron, No. 40; 10 dozen advertised for; bid price, 75 cents per dozen.

Q. How many furnished? A. Well; I haven't got that record, Mr. Hirsh.

Q. In that year it went with the hardware? A. Yes, sir.

Q. The increase in that year of the three different kinds of spoons is several hundred per cent.? A. Yes, sir.

Q. Now, what do you find in the schedule of 1892 and 1893? A. Schedule of 1892 and 1893, line 433: tea spoons, tinned iron, No. 305, 45 dozen advertised for, bid price 50 cents per dozen, 48 dozen furnished; line 434, table spoons, tinned iron, No. 40, 50 dozen advertised for, bid price 65 cents per dozen, and 180 dozen furnished; line 435, soup spoons, tinned iron, No. 40, 10 dozen advertised for, bid price 75 cents per dozen, and 72 dozen furnished.

Q. A large increase of price in that year? A. Yes, sir.

Q. And a large quantity at the increased price furnished? A. Yes, sir.

Q. Will you look at the schedule of 1889 and 1890 at the item of papier-mache spittoons? A. What page?

Q. Page 13, line 334. A. Schedule of 1889 and 1890, line 334: Spittoons, papier-mache, Jennings, 10 dozen advertised for, bid price \$7.50 per dozen.

Q. Those are practically indestructible, are they not? A. Yes, sir; they are supposed to be.

Q. And the object of advertising for that quality was that they would be more serviceable than a cheaper quality? A. Yes, sir.

Q. Now, will you look at the schedules of the following years and see what they did with that item and what they really purchased comparing it with the indurated fibre ware to which you have already called attention? A. Schedule of 1890 and 1891, line 393: Spittoons, papier-mache, Jennings 10 dozen advertised for bid price \$7.25 per dozen; none furnished.

Q. The price reduced but 25 cents per dozen that year? A. Yes, sir.

Q. Now look at the next year? A. Schedule of 1891 and 1892, line 429: Spittoons, papier-mache, Jennings, 20 dozen advertised for, bid price \$2 per dozen; none furnished.

Q. Now, Mr. Toal originally in 1889 and 1890, 10 dozen were advertised for; in 1890 and 1891 10 dozen were again advertised for and none called for; in 1891 and 1892 they increased the number of the item, the quantity, and the price is reduced to an absurdity; there can have been but one object in putting that item on the schedule in those years; isn't that so? A. Only one.

Q. And that was to give a knowing bidder the opportunity of underbidding on that item over other bidders? A. Yes, sir.

Q. If the legitimate price of that article was \$7.50 a dozen, as it seems to have been in a year when there were honest commissioners — in 1889 and 1890 — then that item, 10 dozen would have amounted to \$75? A. Yes, sir.

Q. And 20 dozen to \$150? A. Yes, sir.

Q. Which would make quite a marked difference in a class of goods? A. Very much.

Q. Now will you look at the same item in the year 1892 and 1893 and see what the price of that \$7.50 item is in that year? A. Schedule of 1892 and 1893, line 429; spittoons, papier mache, Jennings, 20 dozen advertised for, bid price 50 cents per dozen, and none furnished.

Q. Now in the same year, if you will turn back to the indurated

fibre ware—I will give you the page in a moment. A. Yes; I have it.

Q. On page 17; they advertised for spittoons there? A. Yes, sir.

Q. And paid \$10 a dozen for them? A. Yes, sir.

Q. Now, indurated fibre ware is a very much cheaper quality of ware to what papier mache is? A. I believe so.

Q. So in the one year they purchased a ware at a higher price which is a much cheaper ware when they can get the very best quality of papier mache spittoons, of the same thing, for 50 cents a dozen, and do not buy any? A. Yes, sir; that is what the records show.

Q. Well, that record speaks loudly as to the conduct of those who had the making of the schedule in hand? A. It does.

Q. And also for those who made up the requisition for the purpose of preparing the schedules? A. Yes, sir.

Q. It has been testified to here by Mr. Gott, one of the former commissioners, that he left the preparation of the schedules to Mr. Murphy, the treasurer; Mr. Murphy admitted that he prepared the schedules and opened the bids and looked them over and so on; would it be possible, Mr. Toal, for any person who took an interest in the public service for which he was paid, to leave an item of this kind for instance, in that condition, unless he did it intentionally? A. I don't think so.

Q. It didn't take the office of the counsel for this committee very long to discover that item? A. Not long.

Q. What is the most important duty of a commissioner of the department of charities and corrections, Mr. Toal, so far as you knew it when you were there? A. Well, in my opinion the most important duties of the charities commissioners or the most important duty, is to supervise the preparation of the schedule, the awarding of contracts, and to exercise a close supervision over the quality of supplies furnished the department?

Q. There can not be any question, Mr. Toal, in your mind, but that the preparation of the schedule so that the persons who are placed under the commissioners—the poor, the insane, the unfortunate, the sick—shall get what the county pays for; that is a most important duty? A. I think so; yes, sir.

Q. That duty can not be very easily sublet to anybody else, and the commissioners say that they have performed fully their duty?
A. It can not.

Q. And during your time, the 9 or 10 years that you were there, did the commissioners attend to that duty themselves? A. Well, they did.

Q. You were there a part of the time while Mr. Gott was a member of the board? A. Yes, sir; three years.

Q. Three years? A. Yes, sir.

Q. He was a lay member, as he said, during that time, and was not given much authority previous to 1890; that is true, is it not?
A. Well, I don't think it is.

Q. What did he do during those years? A. I think that Mr. Gott received from his colleagues in the board as much authority and as many privileges as either one of them took for themselves.

Well, did he have certain duties to perform during those years?
A. He was at liberty to perform the same duties that the other commissioners did.

Q. Did he perform them? A. I don't think so.

Q. Do you know if he ever examined the schedules during those years and the bids and records in order to acquaint himself with what was necessary to be done in the department? A. No, sir; but he made it a point to examine the schedules to see if he could not find out something against his fellow commissioners and the secretary of the board; he was very particular about that on several occasions.

Q. He did not succeed in finding anything? A. He did not.

Q. But he had the privilege of becoming thoroughly acquainted with the method of transacting the business of that department?
A. Decidedly he had.

Q. He knew that the secretary of the board sent to very many of the best business houses this schedule each year in addition to putting in the advertisements in the newspapers did he not? A. Well, he had the opportunity of knowing that from the bids received at the annual opening of bids, and if he chose to look at the mail going out about that time, he would have seen many schedules in wrappers going to different business houses in New York city and Brooklyn.

Q. Did he ever make inquiry during this time, during the three years that you mention; that would be from 1887 to 1890; whether certain articles should be placed as line items or as class items; have you ever seen him interested in that subject at all? A. No, sir; the only interest I recollect he ever took in matters of that kind was on the soap question once; he wanted the brand of soap changed from Doscher & Co., to something else.

Q. Did he say why he wanted it changed? A. He didn't say why, but it was generally known why about the office.

Q. What was generally known was the reason? A. His brother was in the soap business at that time.,

Q. Who was his brother? A. I don't know the gentleman; I have seen him at the office, but I don't know him personally; he was connected with some soap concern I understood.

Q. Do you know whether his concern became successful bidders in the following years? A. I don't recollect; I don't think so.

Q. Do you know whether he was interested in any horse sales between the years 1887 and 1890? A. Oh, yes, sir; yes, I know of one sale he was interested in.

Q. What sale was that? A. The sale of a horse that he owned to the department.

Q. How did it come about, Mr. Toal? A. Well, you don't want the whole history of the horse, do you?

Q. I don't care about the pedigree of the horse; no. A. I mean the connection of that horse with the department — that has appeared already in the press.

Q. I want it as a matter of record, Mr. Toal; what was the history of that horse transaction? A. Well, he owned a horse in 1886, and during the winter of 1886 and 1887 that horse was kept at one of the stables attached to the asylum at Flatbush — kept there the entire winter at the expense of the county; the following winter the horse was not kept exactly on the department grounds but it was stabled in a building very near the almshouse, and the report was that the horse was attended to and groomed by county employes, and fed with county feed; the following year the horse made its first appearance in the department premises at St. Johnland and was

stabled there, having come from Port Jefferson or somewhere further down the island; it remained in the county stables at Flatbush for several months, and I believe was used there for the farm in different ways, and he finally prevailed on his colleagues to purchase that horse, as he gave out that he had no further use for it; that it was an elegant horse; the county didn't have any such horse in its possession; that they would get a very great bargain if they bought it; the fact of the matter is that he bored Ray and Hynes so that to get rid of his importunities they bought the horse for \$250; the bill was made out in the name of his son who was a minor at that time, and I believe — I know in fact it was paid; he said he got the money; he also said that the horse belonged to his son — that it belonged to his son.

Q. He testified to that here under oath? A. Yes; I read it in the paper; but when the horse was bought — when he knew it was his own property, but when it came to be sold the bill was made out in the name of his son.

Q. What was the character and disposition and value of the horse, do you remember? A. I don't; I don't recall that I ever saw it.

Q. Never heard anything about it? A. Not since it was sold.

Q. Did the commissioners have the horse examined as to value at all? A. I think they got the opinion of Dr. Harrison about the horse before they consented to purchase it.

Q. He was not a veterinary surgeon? A. He was a judge of horses, because he had been born on a farm and passed a great deal of his life there and was acquainted with the value of horses, and in that way they took his opinion.

Q. They took his opinion and Gott's value? A. Yes, sir.

Q. And paid \$250? A. They didn't question that part of it; as a matter of courtesy to him they accepted his figure on the horse and his son got the money — at least the records show that; the bill was made out in the son's name.

Q. Will you look at the item of tin dippers, quarts and pints, in the schedules of 1890 to '93 Mr. Toal. Just state what the peculiarities of that item show? A. Schedule of 1889 and '90, line

346 : Tin dippers, quart, as per sample, 20 dozen advertised for, bid price \$1 per dozen. Line 347, tin dippers, pint, as per sample, five dozen advertised for, bid price 85 cents per dozen. Schedule of 1890 and '91, line 405, tin dippers, quart, as per sample, made of XXX tin, 40 dozen advertised for, bid price \$1 per dozen. Line 406, tin dippers, pint, as per sample, made of XXX tin, 12 dozen advertised for, bid price 80 cents per dozen. Schedule of 1891 and '92, line 441, tin dippers, quart, as per sample, made of XXX tin, 75 dozen advertised for, bid price 70 cents per dozen. Line 442, tin dippers, pint, as per sample, made of XXX tin, 12 dozen advertised for at \$1.15 per dozen.

Q. Well, now, up to this time the price of the larger article, and the quantity asked for, while the quantity asked for has increased, the price has decreased, and the smaller article made of the same material, the price has increased? A. Yes, sir.

Q. Now go to the schedule of 1892 and '93? A. Schedule of 1892 and '93, line 441 : Tin dippers, quart, as per sample, made of XXX tin, 75 dozen advertised for, bid price 50 cents per dozen. Line 442, tin dippers, pint, as per sample, made of XXX tin, 12 dozen advertised for, bid price \$1.25 per dozen.

Q. The price of the pints has again increased to \$1.25, and the price of the quarts has again decreased to 50 cents? A. Yes, sir.

Q. Well, it doesn't take a tinsmith to know that quarts are higher priced than pints, made of the same material? A. They are. The records of 1892 and '93, show that there were only three dozen of the quarts called for that year, and 75 dozen of the pints.

Q. And only 12 dozen advertised for? A. Twelve dozen advertised for.

Q. I would like you to look at the item of ranges and state what you find in the schedules of 1889 to '93? A. I find on the schedule of 1889 and '90 the following ranges called for: Line 2077, range No. 10, Mott's Defiance, set up complete, three advertised for, bid price \$85 each. Line 2078, range No. 9, Mott's Defiance, set up

complete, one advertised for, bid price \$57. Line 2079, range No. 0, Mott's Defiance, set up complete, St. Johnland, one advertised for, bid price \$45. Line 2080, range No. 5, Rollhouse Knickerbocker, set up complete, five advertised for, bid price \$75 each. Line 2081, range, French, 8 feet long and 3 feet 3 inches wide, two fires and two ovens, set up complete, one advertised for, bid price \$160.

Q. In the year 1890 and '91? A. Schedule of 1890 and '91, line 2282: Range No. 10, Mott's Defiance, set up complete, five advertised for, bid price \$85. Line 2283, range No. 9, Mott's Defiance, set up complete, five advertised for, bid price \$57 each. Line 2283a, range No. 5, Rollhouse, set up complete, one advertised for, bid price \$75. Line 2284, range No. 0, Mott's Defiance, set up complete, St. Johnland, 2 advertised for, bid price \$35. Line 2285, range, French, 8 feet long, 3 feet 3 inches wide, two fires and two ovens, set up complete, \$160.

Q. Now the number advertised for in the year 1890 and '91, is less than that in the year 1889 and '90? A. There are more advertised for in 1890 and 91.

Q. More in 1890 and '91? A. Yes.

Q. How many more? More in certain classes and less in certain others? A. Well, the range, Mott's Defiance No. 10, there were three in 1889 and '90, and 5 in 1890 and '91. Range No. 9, Mott's Defiance, there was 1 in 1889 and '90, and 5 in 1890 and '91. The Rollhouse range, there were 5 advertised for in 1889 and '90, and 1 in 1890 and '91. The Number 0, Mott's Defiance, there was 1 advertised for in 1889 and '90, and 2 in 1890 and '91.

Q. Now will you look at the schedules of 1891 and '92? A. Schedule of 1891 and '92, line 2552: Range No. 9, Mott's Defiance set up complete, 5 advertised for, bid price \$60 each. Line 2553, range No. 10, Mott's Defiance, set up complete, 5 advertised for, bid price \$95 each. Line 2554, range No. 0, Mott's Defiance, set up complete, St. Johnland, 2 advertised for, bid price \$20

each. Line 2555, range No. 5, Rollhouse, set up complete, 1 advertised for, bid price \$10. Line 2556, range, French, 8 feet long, 3 feet 3 inches wide, two fires and two ovens, set up complete, 1 advertised for, bid price \$140

Q. Which of those ranges were purchased that year? A. There were two ranges of No. 9 at \$60 each.

Q. Now will you look at the year 1892 and '93, and see what you find? A. Schedule of 1892 and '93, line 2594, range No. 9, Mott's Defiance, set up complete, 5 advertised for, bid price \$40 each. Line 2595, range, No. 10, Mott's Defiance, set up complete, 5 advertised for at \$100 each. Line 2596, range No. 0, set up complete, St. Johuland, 2 advertised for at \$55 each. Line 2597, range No. 5, Rollhouse, set up complete, one advertised for, bid price \$5 each. Line 2598: range French, 8 feet long, 3 feet 3 inches wide, two fires and two ovens, set up complete, one advertised for, bid price \$150.

Q. Will you, in connection with that item of \$5 for a Rollhouse range, look at the item of water-backs; see what you find there in the years 1890 to '93; water-backs are used for ranges, are they not? A. Yes, sir; well, in the schedule of 1889 and '90, line 2090 reads: "Water-backs for above, 2, bid price \$5 each." That item was meant to cover water-backs for all the ranges that appeared "above."

Q. The Mott's Defiance as well as the Rollhouse? A. The Rollhouse and the French range as well, I suppose.

Q. Now, what do you find the change in the item alone, aside from the price, in the following years, Mr. Toal; in 1889 and '90, and 1890 and '91, I think you will find that advertised so much each. Look at the schedules of 1890 and '91? A. Yes, they have put in a water-back for three ranges, the Rollhouse, No. 5, the Mott's range, No. 9, and the Mott's range, No. 10.

Q. Made three separate items? A. Three separate items.

Q. When it was formerly but one item? A. Formerly but one item.

Q. And do they advertise by single one or by the dozen? A. They advertise two of each kind at so much each.

Q. Now, look at the schedules of 1891 and '92, and 1892 and '93, and state what you find? A. Well, in the schedules of 1891 and '92, they have added still another item; they have four lines now for the water-backs, and they advertise them by dozens, one-half dozen for range No. 5, one quarter dozen for range No. 0, one-quarter dozen for range No. 9, and one-quarter dozen for range No. 10, at so much per dozen.

Q. That is, the number of items have increased to four from what was formerly a single item? A. A single item.

Q. And the price per dozen water-backs, what is the bid price in 1892 and '93? A. Eighteen hundred and ninety-one and '92?

Q. Eighteen hundred and ninety-one and '92? A. For the Rollhouse range No. 5, the bid price is \$10 per dozen. For the Mott range No. 0, it is \$54 per dozen. For the Mott range No. 9, \$72 per dozen. For the Mott range No. 10, \$108 per dozen.

Q. A difference between \$10 and \$108 a dozen? A. Yes, sir.

Q. For an article that was advertised for for all the ranges in one line in the year 1889 and '90? A. And on all previous years.

Q. And for all previous years, and was so furnished? A. Yes sir, right along.

Q. Now will you look at the schedule of 1892 and '93? A. Yes, sir. I have it.

Q. What do you find the water-backs? A. I find that there are still four items of water-backs advertised by the dozen, so much per dozen, and the prices are as follows: For the Rollhouse range No. 5 it is \$5 per dozen. For the Mott No. 0, it is \$50 per dozen. For the Mott No. 9, it is \$72 per dozen, and for the Mott range No. 10, it is \$108 per dozen.

Q. Considerable ingenuity displayed in getting up those items, Mr. Toal? A. I should say so, yes, sir.

Q. There are numerous items in the schedules that have been increased by lines? A. Yes, sir.

Q. Will you just turn over to the items of earthen pipe and ware and state what items have been increased from what you had in 1889 and '90, in one or two lines to half a dozen or dozens of lines in the following year. Take the item of earthen bends? A. Well, on the schedule of 1889 and '90, there were only two lines of earthenware pipe. Line 2073 read: Earthenware pipe, 4 to 6-inch, 200 feet advertised for, bid price 20 cents per foot. Line 2074, earthen pipe, 8 to 12-inch, 100 feet advertised for, bid price 39 cents per foot.

Q. Now will you just see how those lines increased the following years? A. Well, on the schedule of 1890 and '91, they remain the same. There is no change there.

Q. That was the first year of Gott, Nolan and Murphy? A. Yes, that was the first year. The schedule of 1891 and '92, the earthen pipe is divided into four lines, 4-inch, 6-inch, 8-inch and 12-inch. There are 500 feet of 4-inch, 500 feet of 6-inch, 250 feet of 8-inch, and 250 feet of 12-inch advertised for.

Q. One thousand five hundred feet of pipe to what was 400 feet in 1889 and '90, divided up in four items. Now will you follow that item through the following years? Or do those four items show any marked peculiarity in the bidding of that year? A. They do.

Q. What is the peculiarity? A. The 4-inch pipe is bid for at one cent per foot, the 6-inch pipe at 20 cents per foot, the 8-inch pipe at 22 cents per foot, and the 12-inch pipe at three cents per foot.

Q. So in making additional items and lines, it was done for the purpose of giving the contractor, the bidder, who knew that, an opportunity of getting in his fine work? A. Yes, sir.

Q. Follow that item through to the next year? A. On the schedule of 1892 and '93, the earthen pipe is still in four items, the

same quantity of feet called for as in the previous year, and the bids are as follows: On the 4-inch pipe one-half cent a foot, on the 6-inch pipe 18 cents a foot, on the 8-inch pipe 20 cents a foot, and on the 12-inch pipe one-half cent a foot.

Q. What kind was furnished? A. Well, I think only the 6 and 8-inch.

Q. Mr. Birkett was the successful bidder, was he? A. Yes, sir.

Q. He has testified here that he sublet that making up of schedules, bids, to his man Curtin. Curtin testified that he and Birkett got up the bids and guessed at what might be used and what might not be used. By that system of bidding and by the results it seems they were pretty good guessers, Mr. Toal? A. Very good.

Q. Have you looked through that class, or the classes upon which Mr. Birkett was the successful bidder? A. Yes, sir.

Q. By the prices bid by them and their extraordinary peculiarity of good guessing, is it your opinion, from your experience in the department, that any person, whether it was Mr. Birkett or Mr. Curtin, could have been a successful guesser without having information from the inside of the department in those years? A. I say emphatically, no.

Q. A coincidence might happen in an item or two, or half a dozen items, such things might happen from year to year; but that a man should be successful in as many items, guessing correctly what item at a large figure would be purchased in large quantities, and what item at a ridiculously small figure would not be purchased at all, you consider impossible? A. I do.

Q. And in giving that opinion Mr. Toal, you give it from your experience in the department? A. Yes.

Q. As well as your intelligence as a citizen, having the experience in business? A. Yes, sir.

Q. That same thing applies to Mr. Hanna, who was the successful bidder on ranges and other tin ware? A. I say that that same

thing applies to every contractor whose name appears in these schedules, whose bid is marked with these peculiarities.

Q. That is to say, you want to be understood to say, Mr. Toal, that every contractor, particularly between the years 1890 and '91, or '91 and '92 to '93 and '94, those two years, every bidder in that department, every successful bidder, is smirched with the same brush of suspicion; or more than that, of collusion with somebody on the inside of the department? A. Well, I wouldn't say that of every bidder. I say every bidder whose contracts amount to a good deal of money. There are a few small bidders who appear though those schedules who I know, and I am satisfied that they have not been touched with any such suspicion.

Q. What bidders do you particularly refer to? A. Well, I refer to this man Wakeman. I notice in the schedule of 1892 and '93 that he has the contract for masons' supplies, hard bricks, lime and cement. He was a contractor with the department during all my time there, and he is a thoroughly reputable New York merchant, and I presume that he got this contract, as he got it in other years in my time, by being the only bidder on it. It is a small thing, don't amount to very much, and dealers in building materials won't be bothered with it.

Q. What year was that? A. Eighteen hundred and ninety-two and 1893.

Q. Now what bidders do you particularly refer to as coming within the line of collusive bidding? A. (Referring to schedules.) Well, I should say Mr. Newmann and Mr. Brooks and Mr. Birkett, or the Birkett Manufacturing Company, and Mr. Hanna, Cavanaugh & Thompson.

Q. Belford? A. Well, I don't know about Belford. I should say Michael May, the hay and straw contractor. Belford's classes are small and there don't seem to be any balance bidding there to any extent. I wouldn't like to say that of him. I think that is about all, Brooks and Birkett and Cavanaugh & Thompson and

Newman, seem to divide up the schedule of 1892 and '93 pretty well between them.

Q. And Hanna? A. And Hanna.

Q. The affidavit annexed to the schedule, that a person who makes the affidavit is not connected, or that nobody is connected with him in that bid, is called to the attention of every bidder, isn't it, Mr. Toal? A. Well, sir, it appears on the first page of the schedule; it is a part of the proposal.

Q. Always has so appeared? A. Yes, sir.

Q. Always is signed and sworn to? A. Yes; should be.

Q. Well, it was in your time? A. Yes, every schedule, every proposal.

Q. How was that oath administered, was it in pro forma, or was it read to the bidder in order that he might know what he was signing, do you remember? A. Well, the proposals were generally brought in complete. This affidavit would be filled out by a notary somewhere near where the bidder did business, or something of that kind.

Q. And he took the proposal with him? A. Took the proposal with him.

Q. That was not executed and signed at the department of charities? A. Oh, no, no, that was not necessary; that was not called for.

Q. So the bidder brought the affidavit with him to the department when he brought in his bid? A. As a general thing; sometimes I have filled this affidavit myself, being a notary public at that time.

Q. And it was sworn to before you? A. Yes.

Q. Under such circumstances did you read the affidavit to him? A. Yes, sir.

Q. So that there would be no question but that the person swearing would understand what he was swearing to? A. Yes, sir.

Q. It was testified to here by Mr. Newman, by Mr. Hanna, that the clause in the affidavit, that no one else was interested with them, was misunderstood by them, and that they supposed it meant

that no one in the department was interested with them ; now, the affidavit contains both clauses, doesn't it, Mr. Toal ? A. Yes, sir.

Q. I wish you would look at the schedules Mr. Toal and find other items which have been increased in lines, the same as the item of earthen pipe, in the same class ? A. Well, in the schedule of 1889 and '90, the item of elbows and tees consisted of two lines, line 2075 : Earthenware elbows and tees, 4 to 6-inch, 12 advertised for, bid price 45 cents each. Line 2075 A. Earthenware elbows and tees, 8 to 12-inch, 12 advertised for, bid price \$1.40 each. In the schedule of 1890 and '91, the items remain the same. In the schedule of 1891 and '92, these two items are divided into 12, or into 8 rather. There are 4 items of elbows and 4 items of tees, and they read as follows : Line 2534, earthen elbows, 4-inch, 50 advertised for, bid price 1 cent each. Line 2535 : Earthen elbows, 6-inch, 20 advertised for, bid price 1 cent each. Line 2536: Earthen elbows, 8-inch, 20 advertised for, bid price 1 cent each. Line 2537 : Earthen elbows, 12-inch, 20 advertised for, bid price 5 cents each. Line 2538 : Earthen tees, 4-inch, 20 advertised for, bid price 5 cents each. Line 2539 : Earthen tees, 6-inch, 20 advertised for, bid price 60 cents each. Line 2540 : Earthen tees, 8-inch, 20 advertised for, bid price \$1 each. Line 2541 : Earthen tees, 12-inch, 20 advertised for, bid price 5 cents each. Schedules of 1892 and '93, the elbows and tees are again in 8 lines, and they read as follows : Line 2575 : Earthen elbows, 4-inch, 50 advertised for, bid price one-half cent each. Line 2576 : Earthen elbows, 6-inch, 20 advertised for, bid price 90 cents each. Line 2577 : Earthen elbows, 8-inch, 20 advertised for, bid price 75 cents each. Line 2578 : Earthen elbows, 12-inch, 20 advertised for, bid price 1 cent each. Line 2579 : Earthen tees, 4-inch, 20 advertised for, bid price 1 cent each. Line 2580 : Earthen tees, 6-inch, 20 advertised for, bid price 90 cents each. Line 2581 : Earthen tees, 8-inch, 20 advertised for, bid price 70 cents each. Line 2582 : Earthen tees, 12-inch, 20 advertised for, bid price one-half cent each.

Q. Those items show upon their face the same collusion, obvious collusion, between the bidder and somebody on the inside of the department? A. I should say so.

Q. Mention another item that you find there, the line increased in the same class? A. Bends.

Q. Yes. A. And Y's.

Q. Bends and Y's; under the old system Mr. Toal did you have any difficulty at getting the sizes of the particular earthen pipe and ware, where you advertised in two lines only? A. I never heard of any.

Q. The contractors would simply supply what was asked for on the various sizes? A. It was very plain on the schedules; they were supposed to furnish any sizes that were mentioned there, from 4 to 6-inch in one line, and from 8 to 12-inch in another, and they fixed their prices so as to cover a demand that would be for any of those particular sizes.

Q. So that as a matter of experience in former years there was no reason to change those items? A. None at all; they worked perfectly satisfactory so far as I ever knew.

Q. But as they subsequently worked it is obvious that there was some reason in the change? A. Yes.

Q. Just state the situation as to the bends and Y's? A. Well, on the schedule of 1889 and 1890, it appears they didn't need any of those, didn't have any of them on that year; they came afterwards.

Q. Eighteen hundred and ninety and 1891, page 65? A. Eighteen hundred and ninety and 1891, line 2278: earthen Y's 4 to 6-inch, 20 advertised for, bid price 34 cents each; line 2279: earthen Y's 8 to 12-inch, 20 advertised for, bid price \$1 each; that corresponds with the method of bidding on the elbows and bends, bends and tees; schedule of 1891 and 1892 the earthen Y items read as follows: line 2546: earthen Y's, 4-inch, 10 advertised for, bid price 5 cents each; line 2547: earthen Y's, 6-inch, 10 advertised for, bid price 90 cents

each; line 2548: earthen Y's, 8 inch, 10 advertised for, bid price \$1.60 each; line 2549: earthen Y's, 12-inch, 10 advertised for, bid price 5 cents each; schedule of 1892 and 1893, line 2587: earthen Y, 4-inch, 10 advertised for, bid price $\frac{1}{2}$ cent each; line 2588: earthen Y's, 6-inch, 10 advertised for, bid price 90 cents each; line 2589: earthen Y, 8-inch, 10 advertised for, bid price 80 cents each; line 2590: earthen Y, 12-inch, 10 advertised for, bid price $\frac{1}{2}$ cent each.

Q. That item shows the same peculiarity? A. Yes, sir.

Q. And the bidder is Mr. Birkett, or the Burkett Manufacturing Company? A. J. W. Birkett Manufacturing Company.

Q. Now look at the item of bends in 1890 and 1891, line 2276: there are none in 1889 and '90? A. Schedule of 1890 and '91, line 2276: earthen bends, 4 to 6-inch, 20 advertised for, bid price, 35 cents each; line 2577: earthen bends, 8 to 12-inch, 20 advertised for, bid price, \$1 each.

Q. Now what do you find, the following years, on that item? A. Eighteen hundred and ninety-one and '92, the bends have got from 2 to 4 lines.

Q. That is to say, they have four lines that year? A. Four lines.

Q. Two lines the previous year? A. Two lines the previous year; they read as follows: line 2542: earthen bends, 4-inch, 20 advertised for, bid price, 5 cents each; line 2543: earthen bends, 6-inch, 20 advertised for, bid price, 60 cents each; line 2544: earthen bends, 8-inch, 20 advertised for, bid price, 90 cents each; line 2545: earthen bends, 12-inch, 20 advertised for, bid price, 5 cents each; schedule of 1892 and '93, line 2583: earthen bends, 4-inch, 20 advertised for, bid price, $\frac{1}{2}$ cent each; line 2584: earthen bends, 6-inch, 20 advertised for, bid price, $\frac{1}{2}$ cent each; line 2585: earthen bends, 8-inch, 20 advertised for, bid price, $\frac{1}{2}$ cent each; and line 2686, earthen bends, 12-inch, 20 advertised for, bid price, $\frac{1}{2}$ cent each.

Q. That also shows the same peculiarities as the other item? A. Yes, sir.

Q. And the same bidder— A. Indicates that there wasn't to be any demand for bends that year.

Q. By the price that is fixed upon it? A. One-half cent each.

Q. Now, will you look at the item of cast-iron pipe, and state what it was in 1889 and '90, and how the lines were changed on that item?

A. Is that line 2165?

Q. That begins at line 2162, page 59. A. Schedule of 1889 and '90, line 2162: cast-iron pipe, 4-inch, 4 drains, 200 feet advertised for, bid price, 13 cents per foot; line 2163: cast-iron pipe, 5-inch, for drains, 150 feet advertised for, bid price, 19 cents per foot; line 2164: cast-iron pipe for drains, 6-inch, 75 feet advertised for, bid price, 24 cents per foot; line 2165: cast-iron pipe, 4 to 6-inch, for water, 100 feet advertised for, bid price, 38 cents per foot.

Q. Now, will you follow those four items through the years and see what the difference is—in 1890 and '91, you will find it on page 68, line 2365? A. Schedule of 1890 and '91, line 2365: cast-iron pipe, 4-inch, for drains, 300 feet advertised for, bid price 14 cents per foot; cast-iron pipe 4-inch for drains, 300 feet advertised for, bid price 10 cents per foot; line 2367: cast iron pipe, 5-inch, for drains, 300 feet advertised for, bid price 20 cents per foot; line 2368: cast-iron pipe, 6-inch, for drains, 300 feet advertised for, bid price 24 cents per foot.

Q. Now that one line has already been added that year, do you notice that? A. Yes.

Q. That is the 2-inch? A. Two-inch.

Q. Was added that year; proceed? A. Line 1369: cast-iron pipe, 4 to 8-inch for water, 300 feet of each, bid price 25 cents per foot.

Q. Now 1891 and '92, page 30, line 2,813? A. Schedule of 1891 and '92, line 2813: cast-iron pipe, 2-inch for drains, 600 feet advertised for, bid price $\frac{1}{2}$ cent per foot.

Q. That is the item that was added? A. Yes; line 2814: cast-iron pipe, 3-inch, for drains, 500 feet advertised for, bid price $\frac{1}{2}$ cent per foot.

Q. Now this is another added line this year, and obviously figured on that it wouldn't be used; that is right, isn't it? A. Well, I am not very much of a plumber, but I don't think that 2-inch pipe for drain would do very much draining, or 3-inch either; line 2815: cast-iron pipe, 4-inch, for drains, 700 feet advertised for, bid price 20 cents per foot; line 2816: cast-iron pipe, 5-inch for drains, 300 feet advertised for, bid price 1 cent per foot; line 2817: cast-iron pipe, 6-inch, for drains, 300 feet advertised for, bid price 1 cent per foot; line 2818: cast-iron pipe, 4-inch, for water, 600 feet advertised for, bid price 30 cents per foot; line 2819: cast-iron pipe, 6-inch, for water 600 feet advertised for, bid price 1 cent per foot; line 2820: cast-iron pipe, 8-inch, for water, 600 feet advertised for, bid price 1 cent per foot; schedule of 1892 and '93, line 2866: cast-iron pipe, 2-inch, for drains, 600 feet advertised for, bid price $\frac{1}{4}$ cent per foot; line 2867: cast-iron pipe, 3-inch, for drains, 500 feet advertised for, bid price $\frac{1}{4}$ -cent per foot; line 2868: cast-iron pipe, 4-inch, for drains, 700 feet advertised for, bid price 25 cents per foot; line 2,869: cast-iron pipe, 5-inch, for drains, 300 feet advertised for, bid price $\frac{1}{4}$ -cent per foot; line 2870: cast-iron pipe, 5-inch, for drains, 300 feet advertised for, bid price $\frac{1}{4}$ cent per foot; line 2871: cast-iron pipe, 4-inch, for water, 600 feet advertised for, bid price 45 cents per foot; line 2872: cast-iron pipe, 6-inch, for water, 600 feet advertised for, bid price 25 cents per foot; line 2873: cast-iron pipe, 8-inch, for water, 600 feet advertised for, bid price $\frac{1}{4}$ cent per foot.

Q. So that item of cast-iron pipe for drains was manipulated, lines added to it, obviously in the interest of a known contractor; that is true, isn't it Mr. Toal? A. Yes, sir.

Q. The 2-inch and 3-inch drain pipe never were called for, never were furnished, and were added to the schedule, never having been asked for before; that is so too, isn't it? A. Yes.

Q. And the contractor, the successful bidder, obviously bid only on the items that had been advertised for only in the year preceding,

that is, 4-inch for drains and 4-inch for water and 6-inch? A. Yes, sir; and it appears here also that although the contractor bid in 1891 and '92, 1 cent a foot for 6-inch water pipe, in 1892 and '93, he bid 25 cents a foot.

Q. At the 1 cent none were taken? A. Well, that is the natural inference; I have no record of that.

Q. Have you any record of how many feet were taken at 25 cents? A. Well, those records are not completed yet; we have them as taken off from the requisitions but they have not been collated; and another thing I want to call your attention to, that the cast-iron pipe 4-inch for water in the schedule of 1891 and '92, was bid on at 30 cents, and in the schedule of 1892 and '93, it was bid on at 45 cents, an increase of 15 cents a foot.

Q. Well, that is not as large an increase the 6-inch for water between those years, because one year they bid for 1 cent and the next year 25?

A. It is not as large, but it will do.

Q. Now will you look at the items of elbows, plugs, and bushings, and see if the same things exist as to increase in lines as upon the things that you have already testified to; schedule of 1891 and '92, page 312: tees, elbows, knipples, plugs and bushings? A. Yes, sir; they are all separated into line items for each size.

Q. Now, will you just state to what extent that was done with reference to those items, and compare the same articles, if asked for at all, in the year 1889 and '90? A. In the item of elbows there are 15 lines on the schedule of 1889 and '90, or 12 lines; and 15 lines on the schedule of 1891 and '92.

Q. Now, what do you find in the following years? A. Fifteen lines again on the schedule of 1892 and '93, of the item of elbows.

Q. The item of elbows alone? A. Yes, sir.

Q. That is an increase of three items? A. Increase of three items.

Q. What are the items that are added in those two years? A. The 8-inch, 10-inch and 12-inch elbow.

Q. What were the figures on those as compared with the others in those years when they were added? A. Well, the schedule of 1889 and '90, the elbows are as follows: $\frac{3}{8}$ -inch, 18 cents per dozen, $\frac{1}{4}$ -inch, 22 cents per dozen, $\frac{1}{2}$ -inch, 22 cents per dozen, $\frac{3}{4}$ -inch, 27 cents per dozen, 1-inch, 45 cents per dozen, $1\frac{1}{4}$ -inch, 70 cents per dozen, $1\frac{1}{2}$ -inch, 75 cents per dozen, 2-inch, \$1.20 per dozen, $2\frac{1}{2}$ -inch, \$2.50 per dozen, 3-inch, \$3.60 per dozen, 4-inch, \$5 per dozen, 6-inch, \$12.00 per dozen; now do you want the figures on 1890 and '91?

Q. Yes, want the distinctions between the figures; there are 12 items on the schedule of 1889 and '90? A. Yes; on the schedule of 1890 and '91 the figures are the same up to the 4-inch elbow, or very near the same, including the 4-inch elbow; the 6-inch elbow on the schedule of 1889 and '90 is bid for at \$12 per dozen; on the schedule of 1890 and, '91, it is bid for at \$6 per dozen; the 8-inch elbow, which makes its appearance here, in 1890 and '91, for the first time, is bid for at \$35 per dozen; in 1891 and '92, the figures, as compared with 1890 and '91, are about the same, up to and including 3-inch elbow; the 4-inch elbow, on the schedule of 1891 and '92, is bid for at \$9 per dozen as against \$5 the previous year; the 6-inch elbow is bid for at \$9.20 per dozen as against \$6 the previous year; the 8-inch elbow is bid for at \$30 per dozen as against \$35 the previous year; then the 10 and 12-inch elbows make their appearance; the 10-inch elbow is bid for at \$60 per dozen, and the 12-inch elbow at \$1 per dozen.

Q. Now what do you find in 1892 and '93? A. Schedule of 1892 and '93 are very near alike up to and including the 6-inch elbow; the 10-inch elbow is bid for at \$55 per dozen as against \$60 the previous year, and the 12-inch elbow is bid for at \$65 per dozen as against \$1 the previous year.

Q. Seemingly showing that there was an expectation that some of that large sized elbow would be used that year? A. Yes, it has that appearance.

Q. And Mr. Birkett is the successful contractor? A. Yes, sir.

Q. What do you find the situation as to nipples in those same years?

A. Nipples, on the schedule of 1889 and '90, are comprised in 12 lines, as follows, and bid for at the following prices: $\frac{1}{4}$ -inch, 16 cents per dozen; $\frac{3}{8}$ -inch, 20 cents per dozen; $\frac{1}{2}$ -inch, 28 cents per dozen; $\frac{3}{4}$ -inch, 30 cents per dozen; 1-inch, 45 cents per dozen; $1\frac{1}{4}$ -inch, 60 cents per dozen; $1\frac{1}{2}$ -inch, 60 cents per dozen; 2-inch, 90 cents per dozen; $2\frac{1}{2}$ -inch, \$1.75 per dozen; 3-inch, \$2.25 per dozen; 4-inch, \$6 per dozen; and 6-inch, at \$12 per dozen; in the schedule of 1890 and '91, the prices run very near the same, but there is an 8 inch nipple added, on which the bid price was \$21 per dozen; schedule of 1891 and '92, the 6-inch nipple, the prices are the same up to the 6-inch nipple; that is bid for at \$9 per dozen as against \$6 the previous year; the 8-inch nipple is bid for at \$16 per dozen as against \$21 the previous year; the 10-inch nipple and the 12-inch nipple are added items to the schedule of 1891 and '92; the 10-inch is bid for at \$25 per dozen, and the 12-inch nipple at 10 cents per dozen.

Q. How many of the 12-inch are advertised for? A. One dozen; schedule of 1892 and '93, the items are the same, somewhat alike, in price up to the 8-inch; the 8-inch nipple on the schedule of 1892 and '93, is bid for at \$12 per dozen as against \$16 the previous year; the 10-inch nipple is bid for at \$24 per dozen as against \$25 the previous year; and the 12-inch nipple is bid for at \$20 per dozen as against 10 cents per dozen the previous year.

Q. How many items are added to that particular item in the schedule of former years? A. Three items after the schedule of 1889 and '90.

Q. And 3 to the item of elbows? A. Yes.

Q. Now will you look at the item of tees, which you will also find on page 81, and the schedule of 1891 and '92? A. Schedule of 1889 and '90, there are 12 items of tees, as follows: $\frac{3}{8}$ -inch, bid price 24 cents per dozen; $\frac{1}{4}$ -inch, 33 cents per dozen; $\frac{1}{2}$ -inch 35 cents per dozen; $\frac{3}{4}$ -inch, 42 cents per dozen; 1-inch, 70 cents per dozen; $1\frac{1}{4}$ -inch

\$1 per dozen ; 1½-inch, \$1.20 per dozen ; 2-inch, \$1.90 per dozen ; 2½-inch, \$3.65 per dozen ; 3-inch, \$4.50 per dozen ; 4-inch, \$9 per dozen ; and 6-inch, \$20 per dozen ; schedule of 1890 and '91, the items remain about the same remain the same as to sizes, and there is very little variation in price ; in 1891 '92, they have added three items to the schedule of '91 and '92, the 8-inch, the 10-inch, and the 12-inch.

Q. That is, they have used that item the same way as they did the item of nipples and elbows? A. Yes, sir ; the prices of tees are somewhat increased on some sizes, as compared with 1890 and '91 ; the 4-inch tee in 1891 and '92, is bid for at \$10 per dozen as against \$7.50 in 1890 and '91 ; the 6-inch tee is bid for at \$15 per dozen, as against \$18 in 1890 and '91 ; the 8-inch tee is bid for at \$50 per dozen, the 10-inch tee at \$65 per dozen, and the 12-inch tee at \$1 per dozen.

Q. Showing again the same peculiarity as on the elbows and nipples? A. Yes, sir ; on the schedule of 1892 and '93, the item of tees as to sizes remained the same ; the prices are the same, very near the same, up to the 2½-inch size ; the 3-inch tees on the schedule of 1892 and '93, is bid for at \$3 50 per dozen as against \$5 in 1891 and '92 ; the 4-inch is bid for at \$8 per dozen as against \$10 in 1891 and '92 ; the 6-inch is bid for at \$14 per dozen as against \$15 in '91 and '92 ; the 8-inch tee is bid for at 5 cents per dozen as against \$50 per dozen in 1891 and '92 ; the 10-inch is bid for at \$60 per dozen as against \$65 in 1891 and '92, and the 12-inch is bid for at 5 cents per dozen as against \$1 per dozen in 1891 and '92.

Q. So those items show a constant juggling from 1890 to '93, do they not Mr. Toal? A. Yes, sir.

Q. A constant change and juggling with figures and items? A. Yes, that is what they show.

Q. Only to be known by the initiative? A. That is all.

Q. What do you find the situation to have been with reference to plugs? A. The item of plugs on the schedule of 1889 and '90 comprised 12 lines, as follows : ¼-inch, bid price 9 cents per dozen ; ⅜-inch,

9 cents per dozen ; $\frac{1}{2}$ -inch, 11 cents per dozen ; $\frac{3}{4}$ -inch, 14 cents per dozen ; 1-inch, 19 cents per dozen ; $1\frac{1}{4}$ -inch, 36 cents per dozen ; $1\frac{1}{2}$ -inch, 38 cents per dozen ; 2-inch, 58 cents per dozen ; $2\frac{1}{2}$ -inch, \$1 per dozen ; 3-inch, \$1.50 per dozen ; 4-inch, \$2.20 per dozen ; 6-inch, \$7.60 per dozen ; in the schedule of 1890 and '91 the items remain about the same, with the addition of another line, an 8-inch plug, which is bid for at \$15 per dozen ; in 1891 and '92 —

Q. Page 82. A. The items remain, as to prices, about the same up to the 6-inch size ; the schedule of 1891 and '92 the 6-inch plug is bid for at \$6.40 per dozen, as against \$5 the previous year ; the 8-inch plug is bid for at \$13 per dozen as against \$15 the previous year, and 2 additional lines appear, 10-inch and the 12-inch plug, which are bid for, the 10-inch at \$17 per dozen and the 12-inch at 10 cents per dozen ; on the schedule of 1892 and '93, the same number of lines appear as in 1891 and '92.

Q. Now increased to 15 ? A. Now increased to 15 from the original number on 1889 and '90, and the prices are somewhat alike up to the 6-inch size ; the 6-inch plug on the schedule of 1892 and '93 is bid for at \$5.10 per dozen as against \$6.40 the previous year ; the 8-inch plug is bid for at \$12 per dozen as against \$13 the previous year ; the 10-inch plug is bid for at \$16 per dozen as against \$17 the previous year, and the 12-inch plug is bid for at the same figure, 10 cents per dozen.

Q. Now will you look at the item of bushings the same years ? A. The item of bushings on the schedule of 1889 and '90 consists of 19 lines, as follows : $\frac{1}{4}$ -inch by $\frac{3}{8}$ -inch, 18 cents per dozen ; $\frac{1}{2}$ -inch by $\frac{3}{8}$ -inch, 25 cents per dozen ; $\frac{1}{2}$ -inch by $\frac{3}{4}$ -inch, 33 cents per dozen ; $\frac{3}{4}$ -inch by 1-inch, 30 cents per dozen ; 1-inch by $1\frac{1}{4}$ -inch, 42 cents per dozen ; $1\frac{1}{4}$ -inch by $1\frac{1}{2}$ -inch, 55 cents per dozen ; $1\frac{1}{2}$ -inch by 2-inch, 65 cents per dozen ; 2-inch by $2\frac{1}{2}$ -inch, \$1.18 per dozen ; 3-inch by 4-inch, \$2.90 per dozen ; 2-inch by 3-inch, \$1.60 per dozen ; $\frac{3}{8}$ -inch by $\frac{3}{4}$ -inch, 30 cents per dozen ; $\frac{3}{4}$ -inch by $1\frac{1}{2}$ -inch, 42 cents per dozen ; 1-inch by

1½-inch, 55 cents per dozen; 1¼-inch by 2-inch, 65 cents per dozen; ¾-inch by 1½-inch, 55 cents per dozen; ½-inch by 1-inch, 30 cents per dozen; ½-inch by 1¼-inch, 42 cents per dozen; 1-inch by 2-inch, 65 cents per dozen; 2½-inch by 3-inch, \$1.60 per dozen; on the schedule of 1890 and '91 there seems to be an increase of three lines.

Q. Nineteen to 22? A. Nineteen to 22.

Q. What are the added lines? A. The added items are 4 x 6-inch, 4 x 8-inch and 6 x 8-inch; the prices are very much alike for all that appear on both schedules; the 4 x 6-inch is bid for at \$7 per dozen; the 4 x 8-inch at \$15 per dozen; and the 6 x 8-inch at \$15 per dozen.

Q. Now, what do you find the next year? A. Find the same number of items—I find an addition of 4 lines.

Q. That is from 22 to 26 now? A. Twenty-two to 26.

Q. Or 7 lines added from 1889 and 1890? A. Seven lines.

Q. What are the four additional lines, Mr. Toal? A. The four additional lines are 6 x 10, 6 x 12, 8 x 10 and 10 x 12; the prices on the schedule of 1891 and '92 show a very remarkable difference between the prices of 1890 and '91.

Q. Just state the difference in prices? A. I will read first the schedule of 1890 and '91 prices, and then the prices of 1891 and '92, and sizes; 1¼-inch x ¾-inch, 18 cents—

Q. You are reading now from the schedule of 1890 and '91? A. Eighteen hundred and ninety and '91; schedule of 1891 and '92, 15 cents; 1½-inch x ¾-inch, 25 cents, as against 20 cents schedule of 1891 and '92; ½ x ¾, 32 cents, as against 25 cents; ¾ x 1, 32 cents, as against 50 cents; 1 x 1¼, 62, as against 30; 1¼ x 1½, 60 cents, as against 50; 1½ x 2, 70 cents, as against 75; 2 x 2½, \$1.20, as against \$1; 3 x 4, \$2 as against \$3; 2 x 3, \$1.25, as against \$4; ¾ x ¾, 35 cents, as against 2 cents; ¾ x 1¼, 50 cents, as against 2; 1 x 1½, 60 cents, as against 2 cents; 1¼ x 2, 75 cents, as against 2 cents; ¾ x 1½, 50 cents as against 2 cents; ½ x 1, 25 cents, as against 2 cents; ½ x 1¼, 25 cents, as against 2 cents; 1 x 2-inch, 50 cents, as against 2 cents; 2½ x 3-inch, \$1, as

against 2 cents; 4 x 6-inch, \$7, as against 2 cents; 4 x 8-inch, \$15, as against 2 cents; 6 x 8-inch, \$15, as against 2 cents; the added items on the schedule of 1891 and '92 are as follows, at the following prices bid: 6 x 10, 5 cents; 6 x 12, 5 cents; 8 x 10, 5 cents; 10 x 12, 5 cents; all per dozen.

Q. Can you tell by the records what kind were taken and how many? A. Do you mean from this schedule?

Q. Yes; does the record show on the stock ledger? A. No; that is all included in engineer's supplies; but we have the records of what was ordered, but they are not collated yet; when they are, then we can put the quantities right on the schedule; we will know exactly what was ordered and what was not.

Q. But the assumption is from what you have discovered that the 2 cent items were not ordered? A. No; I should say that nothing larger than the 2x3 inch was ordered.

Q. And without having collated all the items, you have examined the items, and from your examination you can tell that the small priced items were not ordered? A. I couldn't tell that from memory.

Q. You couldn't tell that as to all? A. No.

Q. Well, you can tell generally, Mr. Toal, judging by other similar items? A. Oh, yes; I should say that none of the 2-cent items were ordered.

Q. What does the next year show, Mr. Toal? A. Schedule of 1892 and '93, shows the same number of items of bushings, same number of lines on the schedule, but there appears to have been some change in prices.

Q. How many items are there? A. Twenty-six.

Q. The number has again been added to? A. Well, it looks so—no, the item is the same number as on the schedule of 1891 and '92.

Q. Yes, but what difference in price? A. Well, some of the prices on the articles that were down at 2 cents have been changed to higher figures.

Q. Very much higher? A. In some cases, yes.

Q. What are the items that are changed? A. Well, the $\frac{1}{4} \times \frac{3}{8}$ on the schedule of 1891 and '92 is 15 cents a dozen; schedule of 1892 and '93, it is 50; the $\frac{1}{2} \times \frac{3}{8}$, on the schedule of 1891 and '92, is 20 cents per dozen; '92 and '93, it is 12 cents; the $\frac{1}{2} \times \frac{3}{4}$, schedule of 1891 and '92, is 25 cents; 1892 and '93, it is 18 cents; $\frac{3}{4} \times 1$ -inch, schedule of 1891 and '92, is 50 cents; schedule of 1892 and '93, it is 24 cents; the $1 \times 1\frac{1}{4}$ -inch, schedule of 1891 and 1892 is 30 cents; schedule of 1892 and '93, it is 35 cents; $1\frac{1}{4} \times 1\frac{1}{2}$, schedule of 1891 and '92, is 50 cents; schedule of '92 and '93, is 40 cents; $1\frac{1}{2} \times 3$, schedule of '91 and '92, was 75 cents; schedule of '92 and '93, is 65 cents; $2 \times 2\frac{1}{2}$, schedule of 1891 and '92, is \$1; schedule of '92 and '93, 90 cents; 3-inch x 4-inch, schedule of 1891 and '92, is \$3; schedule of 1892 and '93, is \$2.05; 2×3 , schedule of 1891 and '92, is \$4; schedule of '92 and '93, is \$1.25; $\frac{3}{8} \times \frac{3}{4}$, schedule of 1891 and '92, is 2 cents; '92 and '93, it is 18 cents; $\frac{3}{4} \times 1\frac{1}{4}$, schedule of 1891 and '92, 2 cents; schedule of 1892 and '93, 36 cents; $1 \times 1\frac{1}{2}$, schedule of 1891 and '92, 2 cents; schedule of '92 and '93, 45 cents; $1\frac{1}{4} \times 2$, schedule of 1891 and '92, 2 cents; schedule of 1892 and '93, 60 cents; $\frac{3}{4} \times 1\frac{1}{2}$, schedule of 1891 and '92, 2 cents; schedule of '92 and '93, 40 cents; $1\frac{1}{2} \times 1$, schedule of 1891 and '92, 2 cents; schedule of '92 and '93, 24 cents; 1×2 , schedule of 1891 and '92, 2 cents; schedule of '92 and '93, 60 cents; $2\frac{1}{2} \times 3$, schedule of 1891 and '92, 2 cents; schedule of '92 and '93, \$1.20; 4x6-inch, schedule of 1891 and '92, 2 cents; schedule of '92 and '93, \$5.90; 4x8, schedule of 1891 and '92, 2 cents; schedule of '92 and '93, 5 cents; 6x8, schedule of 1891 and '92, 2 cents; schedule of '92 and '93, 5 cents; 6x10, schedule of 1891 and '92, 5 cents; schedule of '92 and '93, 5 cents; 6x12, schedule of 1891 and '92, 5 cents; schedule of '92 and '93 5 cents; 8x10, schedule of '91 and '92, 5 cents; schedule of '92 and '93, 10 cents; 10x12, schedule of 1891 and '92, 5 cents; schedule of '92 and '93, 10 cents; those show the variations in the figures for the two years.

Mr. Schulz.—This committee will stand adjourned until Monday morning at 10 o'clock.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON AFFAIRS OF CITIES AT A MEETING HELD MONDAY MORNING, AUGUST 19, 1895, AT THE COURT HOUSE, BROOKLYN, N. Y.

Present—Hon. F. F. Schulz, of committee.

Mr. Hugo Hirsh, of counsel.

Daniel C. Toal, having been recalled for further examination, testified as follows:

Examined by Mr. Hirsh:

Q. Mr. Toal, have you examined and compared the item of kerseys as to requisitions, receipts and so forth? A. Yes, sir.

Q. Will you look at the hospital requisition of September 29, 1891, and state what call, if any, there is made there for kerseys? A. On that hospital requisition of September 29, 1891, there is the following item: Line 254, 500 yards kerseys, white.

Q. What do you find on the hospital receipt book for a day corresponding to that—the stub is dated September 26th? A. I don't find that stub.

Q. I will show it to you in a moment?

(Counsel examines book.)

Q. (Continuation.) It is on the stub, 26th, 542 $\frac{3}{4}$ yards signed for—what is signed for? A. Five hundred and forty-two and three-quarter yards of bandage muslin.

Q. Is that the only receipt that you find corresponding with the date? A. That is the only one.

Q. What do you find on October 4, 1891? A. The receipts.

Q. Yes, sir? A. On the stub dated October 4, 1891—ditto first on the side—I find 549 $\frac{1}{2}$ yards of white kersey signed for.

Q. That receipt of October 4th is $49\frac{1}{2}$ more than the requisition called for on September 29th? A. Yes, sir.

Q. And there are about 50 yards to a piece, do you say? A. I don't remember how the white kerseys run.

Q. Now, if you will look at March 29, 1892, state how many yards are called for by requisition? A. On the requisition of March 29, 1892, for the hospital the following item is found: line 254, 1,000 yards kersey, white.

Q. And on May 12, 1892, how many yards? A. On May 12, 1892, I find on the hospital receipt book $541\frac{1}{2}$ yards signed for.

Q. What do you find on May 23d? A. On May 23d on the hospital receipt book I find 12 pieces white kerseys, 538 yards signed for.

Q. What do you find on June 28th? A. On the hospital requisition of June 28th I find 1,000 yards of white kersey.

Q. And what do you find on July 2d? A. On the hospital receipt book I find $879\frac{3}{4}$ yards of white kersey signed for.

Q. That would make $551\frac{1}{2}$ yards more furnished than the requisition called for? A. Yes, sir.

Q. The fact that all this kersey was furnished just previous to or about the end of the fiscal year—does that say anything, Mr. Toal—does it show that somebody who was interested with the contractor was helping him to load up the department just previous to the end of the fiscal year? A. It shows that there was an intention to relieve him of a stock of white kerseys.

Q. Do you know of any legitimate use for white kerseys to the extent that these number of yards were ordered, from March, 1892, to July, 1892—each month—March; twice in May; 1,000 yards in June and 900 yards in July? A. I can't imagine any legitimate reason for it.

Q. What did they use kerseys for? A. My impression is that kerseys were used in the hospital for uniforms for attendants who did

special work—work that was not in any way dirty work, because it is a very white material.

Q. From March to July about 4,000 yards were receipted for? A. Yes, sir.

Q. And 4,000 yards in four months would average the use of 1,000 yards for uniforms a month? A. Yes, sir.

Q. Is kersey a very wide article, do you know? A. My impression is, about a yard wide.

Q. So that that would make a great number of uniforms, if used for that purpose? A. I should say so.

Q. And if it was delivered as receipted for? A. Yes, sir.

Q. Now, does it count for anything, in your mind, Mr. Toal, that, after all these thousands of yards of kersey had been delivered, just previous to the making up of the following year's schedule, that the successful bidder the following year, who had also been the successful bidder when these thousands of yards were furnished, bid $2\frac{1}{2}$ cents a yard for kerseys? A. Well, it was a decided advantage to him.

Q. That is, he, knowing that he had loaded up the department the year previous with kerseys, he could bid $2\frac{1}{2}$ cents a yard for white kerseys the following year, knowing that they would not be called for? A. That is it, precisely.

Q. And Mr. Newman was the successful contractor in both of those years? A. He was.

Q. While you were in the department, Mr. Toal, who were the successful contractors for drug requisitions? A. Well, during my nine years in that department, the drug contract was held either by the firm of McKesson & Robbins, of New York, or W. H. Schieffelin, of the same city.

Q. Both old and well-known and highly respected firms? A. Yes, sir; supposed to be the largest in the business in the country.

Q. Who had the contract, the drug contract, in 1892 and 1893, if you know, for the department of charities and corrections of Kings county? A. The firm of Cavanaugh & Thompson.

Q. What was the business of that firm of Cavanaugh & Thompson?

A. Cavanaugh & Thompson were dealers in brooms, wooden-ware, willow-ware, baskets and house furnishing goods generally — that class.

Q. They were the successful bidders on that interesting item of brooms, to which you testified here a few days ago? A. Yes, sir.

Q. They were not drug dealers at all? A. Not that I ever heard of at all.

Q. Do you know what other contracts were held by Cavanaugh & Thompson? A. If you will hand me the schedule, I will just read off the names.

Q. Just look over the schedules for those years and state what other articles Cavanaugh & Thompson were the successful bidders on?

(Counsel presents schedules to witness.)

A. In the schedule of 1890 and 1891, Mr. Cavanaugh appears to have bid in his individual name, P. Cavanaugh; he had the contract for leather, for window shades, for clocks, for cocoa for mats, for carpets, oil cloths, et cetera; for rubber goods, for hats and caps, for brooms, wooden-ware, brushes, et cetera; for cutlery and table ware, for harness, for stationery, blanks, blank books, et cetera—that is all in schedule of 1890 and 1891; in the schedule of 1891 and 1892, the contract for cocoa for mats, universal metal polish, convict cloth, clocks, hats and caps; brooms, wooden-ware, brushes, et cetera; crockery and glass-ware; and printers' supplies — that is all in 1891 and 1892; in 1892 and 1893, under the firm name of Cavanaugh & Thompson, they had the contract for curled hair, sewing machines; cocoa for mats; eagle insect destroyer; carpets, oil-cloths, et cetera; rubber goods, et cetera; hats and caps; brooms, wooden-ware, brushes, et cetera; furniture, drugs and medicines, stationery, blanks, blank books, et cetera; hardware: axes, saws, files, shovels, et cetera; hose — rubber hose; harness, et cetera; harness makers' supplies and harness makers' tools.

Q. Obviously no limit to the line that Cavanaugh & Thompson were in, Mr. Toal? A. It seems not.

Q. Do you know who Cavanaugh & Thompson are? A. No, sir; I don't know the gentlemen.

Q. And you don't know their relationship to any of the former commissioners of charities? A. No, sir.

Q. How many pages in the schedule does the drug contract alone take? A. The drug contract takes from line 712, page 28 to line 1468 of page 46.

Q. Seven hundred and fifty-six items in one contract alone? A. Eighteen pages.

Q. And 18 pages; that drug contract amounted to about \$8,000 or \$10,000 a year? A. It runs about that amount, from \$8,000 to \$10,000 a year.

Q. There are not many in the department who understand that drug contract, Mr. Toal? A. I think not, outside of the apothecary at the hospital.

Q. The commissioners don't know anything at all about drugs, as a usual thing, and medicine, and that sort of thing. A. None that I ever knew did.

Q. Do you know whether Mr. Gott was specially qualified to? A. I didn't know it.

Q. No; he said his specialty was whiskey, I believe — although that comes under the drug contract, too? A. No, sir; that is a special item.

Q. But it is divided up by the druggist? A. Yes, sir; it goes to him when it is ordered; it is ordered by him.

Q. Do you know how any person in the broom or hardware, or willow-ware business can compete in the drug requisitions with such houses as Schieffelin and McKesson & Robbins? A. I don't know.

Q. The fact is that they did successfully compete in that year, 1892 and 1893? A. Yes, sir—they did.

Q. Can you tell, by comparison of the drug requisitions for those years, whether the same method was pursued in the making up of that schedule, so far as the introduction of items that were not used—not to be called for? A. No, sir—I can't tell that.

Q. Suppose you take the drug requisitions for 1889 and 1890, and 1890 and 1891, and state how many items were in each of those years in the drug requisition, and compare them with the number of items in the drug schedule from 1891 to 1893? A. In the schedule of 1889 and 1890 the class of drugs and medicines comprised from line 1004 to line 1612.

Q. That is 608 lines? A. Yes, sir; in the schedule of 1890 and 1891 the drug class comprised from line 1121 to line 1752.

Q. That is 641 lines? A. Yes; on the schedule of 1891 and 1892—that class appears to be torn out here; that is the schedule that was not complete.

Q. Oh, yes. A. But I think that the drug class gradually grew larger every year; in the schedule of 1892 and 1893, from line 712 to line 1468.

Q. Seven hundred and fifty-six lines? A. Yes, sir.

Q. That would show an increase of from 100 to 150 items, each line being an item, over the previous years? A. Yes, sir.

Q. Before the next hearing, Mr. Toal, I would like you to make a comparison, also, of that requisition? A. Eighteen hundred and ninety-one and 1892?

Q. Yes, sir; you yourself don't understand anything about drugs? A. No, sir.

Q. I would like you to look at the schedule on the item of charcoal, Mr. Toal—schedules of 1889 to 1893—and will you state the various prices that that article brought during that year? A. In the schedule of 1889 and 1890, line 2420, charcoal, 100 barrels advertised for, bid price, 60 cents per barrel.

Q. Now, right here, Mr. Toal, what is charcoal used for in the de-

partment? A. Charcoal is used by the plumbers; I don't know of any other use for it.

Q. Do you know of any other reason why charcoal should rise in value in any other year? A. I don't know of any other reason—no, sir.

Q. The method of making it remains about the same? A. I think so.

Q. And the articles that produces it remains about the same? A. Yes, sir.

Q. Just look at the following year's schedule? A. On the schedule of 1890 and 1891, line 2614, charcoal, 200 barrels advertised for, bid price 60 cents per barrel; on the schedule of 1891 and 1892, line 3140, charcoal, 200 barrels advertised for, bid price \$1.00 per barrel.

Q. Who was the successful bidder on that? A. The J. W. Birkett Manufacturing company.

Q. Now just look at the schedule of 1892 and 1893? A. Schedule of 1892, line 3200, charcoal, 200 barrels advertised for, bid price \$1.10 per barrel.

Q. The same bidder? A. The same bidder.

Q. And how many barrels at that time? Two hundred barrels advertised for.

Q. That is an increase of how many barrels during those years? A. Well. the schedule of 1889 and 1890 advertised for 100 barrels and the following year it was increased to 200 barrels and so remained.

Q. Will you look at the item of brass water gates and compare them between the schedules of 1889 to 1893, and the language of the item itself as changed? A. Have you that number, Mr. Hirsh?

Q. Schedule of 1889 and 1890, page 65, line 2400. A. Schedule of 1889 and 1890, line 2400, brass water gates, 2 inch, 6 advertised for, bid price \$4.20 each; schedule of 1890 and 1891, line 2597, brass water gates, 2 inch, 12 advertised for, bid price \$4.25 each; schedule of 1891 and 1892, line 3127, brass water gates, 2 inch, 2 dozen advertised for,

bid price \$50.00 per dozen; schedule of 1892 and 1893, line 3185, brass water gates, 2 inch, 2 dozen advertised for, bid price 12 cents per dozen.

Q. The change is from "each" to "dozen" in the schedules? A. Yes, sir.

Q. And from the highest to the lowest price what is the change? A. From \$4.25 each to 12 cents per dozen—1 cent apiece.

Q. And who was the successful bidder? A. The J. W. Birkett company.

Q. Will you also look at the item of marble slabs, Mr. Toal—I want to get that on record—you will find that on the schedule of 1888, 1889 and 1890, on page 66? A. Schedule of 1889 and 1890, line 2435, marble slabs with one hole and basin, sides and back, as per sample, one-half dozen advertised for, bid price \$96.00 per dozen; schedule of 1890 and 1891, line 2623, marble slabs, with one hole and basin, sides and backs, as per sample, $\frac{1}{2}$ dozen advertised for, bid price \$100 per dozen, schedule of 1891 and 1892, line 3150: marble slabs, with one hole and basin, sides and backs, as per sample, one dozen advertised for, bid price \$2 per dozen; schedule of 1892 and 1893: line 3110, marble slabs, with one hole and basin, sides and backs, as per sample, one dozen advertised for, bid price 10 cents per dozen.

Q. That is a reduction of from \$100 per dozen to 10 cents a dozen? A. Yes, sir.

Q. And who was the successful bidder? A. The J. W. Birkett Manufacturing Company.

Q. Will you also look at the items of Moss twist drills, and the change in the language there used? A. Schedule of 1889 and 1890, line 2436: Moss twist drills, small, on blocks, assorted sizes, 3 dozen advertised for, bid price \$1.25 per dozen.

Q. Page 74 is next? A. Schedule of 1890 and 1891: line 2624, Moss twist drills, small, on blocks, assorted sizes, 4 dozen advertised for, bid price \$1.20 per dozen; schedule of 1891 and 1892: line 3151,

Moss twist drills on blocks, two blocks advertised for, bid price \$10 per block.

Q. How many in a block? A. I couldn't tell you.

Q. What is the distinction as to "blocks" and by the "dozen," do you know? A. No, sir.

Q. Did you never see a block of drills? A. No, sir.

Q. Well, I can't testify myself and I will have to get somebody that can; a block of drills, Mr. Toal, is a block—an ordinary piece of wood with holes in it—containing various sizes of drills, large and small? A. Yes, sir.

Q. Now, do you know how many are contained in a block? A. I do not.

Q. State the next year, please, Mr. Toal—page 93, Mr. Toal? A. Schedule of 1892 and 1893, line 3211: Moss twist drills on blocks, two blocks advertised for, bid price \$6 per block.

Q. When they advertised by the dozen, that meant assorted sizes, of course? A. I should judge so.

Q. No particular size was mentioned in the schedule? A. No, sir; no size.

Q. Do you know what the object would be in changing the language of the schedule from "dozens" to "blocks?" A. I couldn't tell you.

Q. What is clean picked waste used for—down around the engine room? A. Yes, sir.

Q. Will you state what the peculiarity of that item was as appears from the schedules between 1889 and 1893; look at page 66 in the schedule of 1889. A. Schedule of 1889 and 1890, line 2441: waste, clean picked, 200 pounds advertised for, bid price 9 cents per pound; schedule of 1890 and 1891, line 2629: waste, clean picked, 100 pounds advertised for, bid price 10 cents per pound; schedule of 1891 and 1892, line 3156: waste, clean picked, 500 pounds advertised for, bid price 16 cents per pound; schedule of 1892 and 1893, line 3216:

waste, clean picked, 500 pounds advertised for, bid price 16 cents per pound.

Q. What is waste made from? A. It is the waste material from the cotton mills, I understand.

Q. That is simply used for oiling and cleaning purposes? A. Cleaning and rubbing and one thing or another of that kind.

Q. Do you know whether that fluctuates in value from one year to another? A. I don't think it does.

Q. Do you know whether the engines or the number of places where the cotton waste was used in the department of charities and corrections increased by five times during any two years? A. They increased I think but not to that extent.

Q. To use 100 pounds one year—is there any reason why they should use 500 pounds the next year? A. No, sir.

Q. Is there any solution for that in the remarkable increase in the price from 10 cents to 16 cents? A. I think that has something to do with it.

Q. Who was the successful bidder? A. The J. W. Birkett Manufacturing Company.

Q. Now, will you also look at the peculiarities of the item of cotton lamp wick between the years 1889 and 1893—page 68. A. Schedule of 1889 and 1890, line 2440: cotton lamp wick, 25 pounds advertised for, bid price 18 cents per pound; schedule of 1890 and 1891, line 2628: cotton lamp wick, 100 pounds advertised for, bid price 20 cents per pound; schedule of 1891 and 1892, line 3155: cotton lamp wick, 100 pounds advertised for, bid price 30 cents per pound; schedule of 1892 and 1893, line 3215: cotton lamp wick, 100 pounds advertised for, bid price, 35 cents per pound.

Q. Do you know anything about lamp wick at all, Mr. Toal? A. No, sir—I don't know very much about it.

Q. Well, do you know whether there is any fluctuation in the market for lamp wick? A. No, sir—I don't think there is.

Q. Well, this seems to have fluctuated 100 per cent. during those four years, from 18 to 35 cents? A. Yes, sir.

Q. And who was the successful bidder? A. The J. W. Birkett Manufacturing Company.

Q. And the increase was from 25 to 100 in all the following years—25 in the schedule of 1889 and 1890 to 100 in the following years? A. I think so.

Q. What do they use lamp wick for? A. I think it is used for some purpose in the engine rooms—whether for packing or not I do not know.

Q. Don't lamp wick mean that it was used for lamps? A. Well, it may be used in that way, too.

Q. Will you also look at the item of hair felting in the same year, same page? A. Schedule of 1889 and 1890—line 2437: hair felting, 1 inch thick, covered with the best canvas and sewed together in the best manner, to cover 1,000 feet of steam pipe, from 1 to 4-inch, 1,000 feet advertised for, bid price 9 cents per foot; schedule of 1890 and 1891—

Q. Now, Mr. Toal, that felting is an article constantly used in the engine rooms of that department, isn't that so—constantly used, to cover boilers, engines, pipes and so forth? A. Yes, sir—in small quantities.

Q. Yes—but it is always in use? A. Yes, sir; schedule of 1890 and 1891—line 2625: hair felting, 1 inch thick, covered with the best canvas and sewed together in the best manner, to cover 1,000 feet of steam pipe, from 1 to 4-inch, 1,000 feet advertised for, bid price 5 cents per foot; schedule of 1891 and 1892—line 3152: hair felting, 1 inch thick, covered with the best canvas and sewed together in the best manner, to cover 2,000 feet of steam pipe from 1 to 12-inch, 3,000 feet advertised for, bid price $\frac{1}{2}$ cent a foot; schedule of 1892 and 1893, line 3212, hair felting, 1 inch thick, covered with the best canvas and sewed together in the best

manner to cover 2,000 feet of steam pipe from 1 to 12-inch, 3,000 feet advertised for, bid price 20 cents per foot.

Q. And who was the successful bidder in the contract covering these items during the years 1891 and 1892, and 1892 and 1893? A. J. W. Birkett Manufacturing Company.

Q. Were there any ordered in 1891 and 1892 at $\frac{1}{2}$ a cent a foot? A. No, sir.

Q. How much was ordered at 20 cents a foot in 1892 and 1893? A. Well, my recollection is that that year there was about 6,000 feet bought.

Q. So that it fluctuated from 9 cents a foot in 1889 and 1890 to $\frac{1}{2}$ a cent a foot in 1891 and 1892, and to 20 cents a foot in 1892 and 1893; and in the advertisement it fluctuated from 1 to 4-inch, 1,000 feet, and 1 to 12-inch, 3,000 feet? A. Yes, sir.

Q. What was the object of that, do you know, Mr. Toal—of these various changes in the advertisement, knowing that these things would not be used? A. Well, to mislead honest bidders.

Q. Do you know what the actual value of that felting is? A. Well, I think the bid of 1889 and 1890 was about the correct price—9 cents per foot, complete.

Q. Just look at the item of steam gauges during the same years? A. Schedule of 1889 and 1890, line 2454: steam gauges, Schaeffer's make, best quality, 12 dozen advertised for, bid price \$50 per dozen; schedule of 1890 and 1891, line 2642: steam gauges, Schaeffer's make, best quality, 1 dozen advertised for, bid price \$25 per dozen; schedule of 1891 and 1892, line 3174, steam gauges, Schaeffer's make, best quality, 1 dozen advertised for, bid price \$60 per dozen, schedule of 1892 and 1893, line 3234: steam gauges, Schaeffer's make, best quality, 1 dozen advertised for, bid price \$72 per dozen.

Q. An increase from \$25 to \$72 per dozen in the last three years? A. Yes, sir.

Q. How many were taken in 1892 and 1893? A. Well, that record is not complete yet, Mr. Hirsh.

Q. Will you look at the item of lamp wick, Mr. Toal, and state how they were advertised for? A. What.

Q. Lamp wicks, page 66—by the dozen, hundred or how? A. Eight hundred and sixty-six?

Q. Page 66? A. What schedule and what year?

Q. Eighteen hundred and eighty-nine and 1890? A. Twenty-five pounds.

Q. And then in the following year by pounds? A. One hundred pounds the following year—100 pounds—by the pound; yes, sir.

Q. Well, do you know how many lamp wicks to a pound? A. No, sir.

Q. Do you know whether they come long or short? A. Well, in advertising for that article by the pound leads me to believe that that is all it was used for in the engine room—for packing purposes; it comes in long strips fixed up into rolls, and it is cut off into whatever quantity they use; I think it is used for packing principally.

Q. Who was the successful bidders for the gauges? A. The J. W. Birkett Manufacturing Company.

Q. Will you look at the item of "Stubb's cutting plyers" and show its changes? A. Schedule of 1889 and 1890, line 2458: Stubb's cutting plyers, Nos. 1, 2 and 3, 3 advertised for, bid price 80 cents each; schedule of 1890 and 1891, line 2645: Stubb's cutting plyers, Nos. 1, 2 and 3, 3 advertised for, bid price 75 cents each; schedule of 1891 and 1892, line 3175: Stubb's cutting plyers, No. 1, $\frac{1}{2}$ dozen advertised for, bid price \$7.20 a dozen; schedule of 1892—

Q. Have you got through with 1891 and 1892? A. Yes, sir.

Q. There is an item of No. 2's and 3's? A. Oh, I beg your pardon; schedule of 1891 and 1892, line 3176: Stubb's cutting plyers, No. 2, $\frac{1}{2}$ dozen advertised for, bid price \$7.20 per dozen; line 3177: Stubb's cutting plyers, No. 3, $\frac{1}{2}$ dozen advertised for, bid price \$7.20 per dozen.

Q. Now, they have changed from the two years' previous this year from one line item of 3 cutting plyers to three different items of one-

half dozen each, or in other words, where they formerly advertised for 3 cutting plyers, they now advertise for 18 cutting plyers in three different lines? A. Yes, sir.

Q. Now, see what the next year is? A. Schedule of 1892 and 1893, line 3235: Stubb's cutting plyers, number 1, $\frac{1}{2}$ dozen advertised for, bid price \$6 per dozen; line 3235, Stubb's cutting plyers, number 2, $\frac{1}{2}$ dozen advertised for, bid price \$10 per dozen; line 3237, Stubb's cutting plyers, number 3, $\frac{1}{2}$ dozen advertised for, bid price \$24 per dozen.

Q. So, from the price of \$9.60 per dozen in 1889 and 1890, they rose to \$24 per dozen in 1892 and 1893? A. Yes, sir.

Q. And who was the successful bidder for that? A. The J. W. Birkett Manufacturing Company.

Q. I would like you to look at the item of Mott's French bath tub, during those same years? A. Schedule of 1889 and 1890, line 2462: Mott's French bath tub, with McFarlane's patent waste, walnut top, plate 132, 12 advertised for, bid price \$53 each; schedule of 1890 and 1891, line 2648: Mott's French bath tub, with McFarlane's patent waste, walnut top, plate 132,^a 12 advertised for, bid price \$56 each; schedule of 1891 and 1892, line 3184: Mott's French bath tub, with McFarlane's patent waste, walnut top, plate 132, 1 dozen advertised for, bid price \$5 per dozen; schedule of 1892 and 1893, line 3245: Mott's French bath tub, with McFarlane's patent waste, walnut top, plate 132, 1 dozen advertised for, bid price \$1 per dozen.

Q. Now, in 1889 and 1890, 1 dozen were advertised for? A. Yes, sir.

Q. And they were required—in 1890 and 1891 were any taken, do you know? A. I couldn't say.

Q. Were there any taken in 1891 and 1892? A. I should say not.

Q. At \$5 a dozen—were there any taken in 1892 and 1893 at \$1 a dozen? A. No, sir.

Q. And who was the successful bidder? A. The J. W. Birkett Manufacturing Company.

Q. These Mott French bath tubs are expensive articles? A. Very.

Q. As appears from the bidding of \$53 and \$56 each? A. Yes, sir.

Q. And then suddenly coming down to \$5 a dozen and \$1 a dozen would make a large difference in the entire class in which they appear, wouldn't they? A. Very large; there would be a difference of between \$12 and \$600—\$600 or \$700.

Q. What class does that item appear in? A. In the engineer's supplies.

Q. And you say the Birkett Manufacturing Company were the successful bidders? A. Yes, sir.

Q. Will you also look at the item of hog troughs in the same years? A. Schedule of 1889 and 1890, line 2645: hog troughs, iron, 5 feet, Mott's catalogue, number 597, 3 dozen advertised for, bid price \$50 a dozen; schedule of 1890 and 1891, line 2650, hog troughs, iron, 5 feet, Mott's catalogue, number 597, 3 dozen advertised for, bid price \$25 a dozen; schedule of 1891 and 1892, line 3187, hog troughs, iron, 5 feet, Mott's catalogue, number 597, 3 dozen advertised for, bid price \$1 per dozen; schedule of 1892 and 1893, line 3248, hog troughs, iron, 5 feet, Mott's catalogue, number 597, 3 dozen advertised for, bid price \$1 a dozen.

Q. A hog trough made of iron doesn't wear out in a year, does it, Mr. Toal? A. No, sir.

Q. It ought not to wear out in three or four years? A. At least that.

Q. So that if three dozen were all that were required in 1889 and 1890 no more would be required for the following three or four years at least, unless the number of hogs increased? A. Well, my recollection of that hog trough item is this: that they were put on in 1889 and 1890 for use in St. Johnland, and only for use there; they were purchased that year, and it was supposed that after that they would not be needed.

Q. It was not done then on the assumption that hogs were coming into the headquarters at Elm Place? A. Not that kind.

Q. Well, all the troughs that were required then were purchased in that year? A. I think they were.

What is the size of one of those hog troughs? A. Well, they are described on the schedule as five feet; that is five feet long, I suppose; I don't know the width.

Q. That is not made for a single hog? A. No, sir; I think that is to accommodate a number.

Q. So that 36 of them would accommodate both single and married hogs with their families? A. Yes, sir.

Q. Then the object of putting this item on the following years schedule was very apparent? A. I should say so; yes, sir.

Q. And that also appears still more by the fact that the successful bidder must have reasoned from the same standpoint that they would use no more hog troughs? A. It would look that way; yes, sir.

Q. Whether he was aided in his reasonings by anybody on the inside of the department or not it would look as if he knew no more hog troughs would be used during those years? A. Yes, sir.

Q. When the bidding was reduced from \$50 a dozen to \$1 a dozen? A. Yes, sir.

Q. And that gave a large item for balancing the bids in that particular class? A. Yes, sir; that would be the result.

Q. And who was the successful bidder in those years? A. The J. W. Birkett Manufacturing Company.

Q. Will you also look at the item of Cambridge Extractors during the same year, page 67, schedule of 1889 and 1890? A. Schedule of 1889 and 1890, line 2476: Cambridge Extractors, set up complete with pulleys, counter shaft and hangings, three advertised for, bid price \$220 each; schedule of 1890 and 1891, line 2661, Cambridge Extractors, set up complete, counter shaft and hangings, six advertised for, bid price \$225; schedule of 1891 and 1892, line 3194, Cambridge Extractors, set up complete with pulleys, counter shaft and hangers, three advertised for, bid price \$8 each; schedule of 1892 and 1893, line 3256,

Cambridge Extractors, set up complete with pulleys, counter shaft and hangers, three advertised for, bid price 10 cents each.

Q. Any purchased at that price? A. No, sir.

Q. What are Cambridge Extractors? A. Cambridge Extractors are used in the laundry.

Q. A patented article? A. They are a very expensive machine operated by steam for the purpose of drying clothes; they extract the wet; the clothes are taken out of the tubs and set in this machine and the machine is set revolving at a high rate of speed and after four or five minutes it is stopped and the clothes are taken out dry.

Q. They are a patented article? A. Yes, sir.

Q. They are not supposed to wear out in a year? A. No, sir.

Q. Ought to last several years? A. Yes, sir.

Q. Now, in 1889 and 1890 was the laundry smaller than it afterwards became—they built an addition to the laundry? A. In 1889 and 1890 the laundry at St. Johnland was completed—a very expensive one there, in which there are several of these machines in use.

Q. That was the year they advertised for three; wasn't there an increase in the laundry at Flatbush the following year? A. Yes, sir.

Q. That year they advertised for six? A. Yes, sir.

Q. And by the increase in price it was obvious that the bidders supposed there were six to be used? A. Yes, sir.

Q. And then it seems that the supply was completed and they still kept advertising for three and the price came down to \$8? A. Yes, sir.

Q. And none were called for? A. None were called for.

Q. And the bidders still reduced the price to 10 cents in 1892 and 1893 and none were called for then? A. No, sir.

Q. These were staple articles, these extractors, weren't they? A. Yes, sir.

Q. And if not used in one year they would not spoil if kept for another year? A. No, sir; they would not.

Q. But none were purchased at 10 cents a piece? A. None at all.

Q. Yet it made a difference of \$660 in that one particular item, taking the value of the article as made in 1890 at \$220 each? A. Yes, sir.

Q. And was another very large feature in balancing that particular bid? A. It was.

Q. What class was that in? A. In the engineer's supplies.

Q. And the successful bidder? A. J. W. Birkett Manufacturing Company.

Q. Look at the item of angle check valves, the same year, page 67? A. Schedule of 1889 and 1890, line 2478: angle check valves, $2\frac{1}{2}$ inch, 1 dozen advertised for, bid price \$40 per dozen; schedule of 1890 and 1891, line 2662: angle check valves, $2\frac{1}{2}$ inch, $\frac{1}{2}$ dozen advertised for, bid price \$10 per dozen; schedule of 1891 and 1892, line 3195: angle check valves, $2\frac{1}{2}$ -inch, $\frac{1}{2}$ dozen advertised for, bid price \$90 per dozen; schedule of 1892 and 1893, line 3257, angle check valves, $2\frac{1}{2}$ -inch, $\frac{1}{2}$ dozen advertised for, bid price 10 cents per dozen.

Q. Well, that article shows some most peculiar changes, Mr. Toal? A. Very.

Q. From \$40 a dozen—which is obviously the fair price for them, as bid in 1889? A. I would think so.

Q. Who was the successful bidder in 1889? A. R. A. Robbins.

Q. Now, the following year they bid \$10 a dozen? A. Yes, sir.

Q. And who was the successful bidder that year? A. William H. Hanna.

Q. And the following year they bid \$90 a dozen in 1891 and 1892? A. Yes, sir.

Q. And who was the successful bidder in that year? A. The J. W. Birkett Manufacturing Company.

Q. And the following year when they bid 10 cents a dozen—who was the successful bidder? A. The same bidder—the J. W. Birkett Manufacturing Company.

Q. How many were furnished? A. Well, I haven't the record, but I should say none.

Q. What is that do you say? A. The record is not complete regarding the engineer's supplies.

Q. That is, you have not completed your investigation of the stock ledger yet as to all of those items? A. No, sir; not yet.

Q. Also look at the item of galvanized wrought-iron suction, hand suction or bilge pumps? A. Schedule of 1889 and 1890, line 2480: galvanized wrought-iron, spiral hand suction or bilge pumps, 6 advertised for, bid price \$6 each; schedule of 1890 and 1891, line 2664: galvanized wrought-iron spiral hand suction or bilge pumps, 6 advertised for, bid price \$5 each; schedule of 1891 and 1892, line 3197: galvanized wrought-iron spiral hand suction or bilge pumps, 6 advertised for, bid price 20 cents each; schedule of 1892 and 1893, line 3259: galvanized wrought-iron spiral hand suction or bilge pumps, 6 advertised for, bid price 50 cents each.

Q. Any called at that? A. I couldn't tell you.

Q. Will you also look at the item of Trenton anvils? A. Schedule of 1889 and 1890, line 2482: Trenton anvils, 6 advertised for, bid price \$10 each; schedule of 1890 and 1891, line 2665: Trenton anvils, 6 advertised for, bid price \$10 each; schedule of 1891 and 1892, line 3198: Trenton anvils, large sizes, 2 advertised for, bid price \$30 each; schedule of 1892 and 1893, line 3260: Trenton anvils, large sizes, two advertised for, bid price \$30 each.

Q. Do you know how many were taken, or haven't you got that yet? A. No, sir.

Q. Will you also look at the item of bellows, first quality? A. Schedule of 1889 and 1890, line 2483: bellows, 36, first quality, 6 advertised for, bid price \$15.60 each; schedule of 1890 and 1891, line 2666: bellows, 36, first quality, 6 advertised for, bid price \$15 each; schedule of 1891 and 1892, line 3199: bellows, 42 inches, best quality, 2 advertised for, bid price \$35 each; schedule of 1892 and

1893, line 3261: bellows, 42 inches, best quality, 2 advertised for, bid price 5 cents each.

Q. The first difference noticed there is in the size? A. Yes, sir.

Q. Thirty-six and 42 inches? A. Yes, sir.

Q. And then the increase of the price from \$15 to \$35? A. Yes, sir.

Q. And then to 10 cents? A. Yes, sir.

Q. You can not yet tell whether any was taken at that rate?

A. No, sir; we have not completed the records regarding the engineer's supplies.

Q. Will you also look at the item of wire netting for screens during these same years—you will find it on page 16 of the schedule of 1889 and 1890? A. Schedule of 1889 and 1890, line 448: wire netting for screens, 36-inch, 1500 square feet advertised for, bid price 2 1-4 cents per square foot; schedule of 1890 and 1891, line 505: wire netting for screens, 36-inch, 1000 square feet advertised for, bid price 2 1-4 cents per square foot; schedule of 1891 and 1892, line—have you got the page?—page 21, line 544—schedule of 1891 and 1892, line 554: wire netting for screens, 36-inch, 1000 square feet advertised for, bid price 4 1-2 cents per square foot.

Q. The same line in the next schedule? A. Schedule of 1892 and 1893, line 544: wire netting for screens, 36-inch, 1,000 square feet advertised for, bid price $4\frac{1}{2}$ cents per square foot.

Q. Who were the successful bidders in the last two years? A. James Brooks?

Q. Do you know whether there had been any rise in the price of wire netting for screens in those years in the market? A. I think that material remains about the same—no fluctuation.

Q. Now will you look at the item of wire screening, galvanized, on the same pages from 1889 to 1893? A. On the schedule of 1892 and 1893, line 545: wire screening, galvanized, $\frac{5}{8}$ -inch mesh, number 12 wire, 36 to 50-inch, 1,500 square feet advertised for, bid price 1 cent per square foot.

Q. Now will you compare that with the same schedule, line 332?

A. Schedule of 1892 and 1893, line 332: wire screening, galvanized, $\frac{5}{8}$ -inch mesh, number 12 wire, 36 to 50-inch, 1,500 square feet advertised for, bid price 15 cents per square foot.

Q. That is the same item? A. Precisely the same.

Q. Appearing in two different classes? A. Two different classes in the schedule.

Q. And in one class they bid 1 cent a foot, and in the other class 15 cents a foot? A. Yes, sir.

Q. Which class was purchased? A. The screening at 15 cents per square foot was purchased.

Q. What was the idea of putting those two items in two different portions of the schedules, Mr. Toal? A. Well, it was done apparently to favor some particular bidder.

Q. And who was the particular bidder who was favored in that particular year of 1892 and 1893? A. Well, the J. W. Birkett Manufacturing Company seems to have had the advantage of that.

Q. Now, will you look at 1891 and 1892, page 21, line 545? A. Yes, sir.

Q. What is the item there? A. Schedule of 1891 and 1892, line 545: wire, screening, galvanized, $\frac{5}{8}$ -inch mesh, No. 12 wire, 36 to 50-inch, 1,500 square feet advertised for, bid price 1 cent per square foot.

Q. Now will you look in the same year, same schedule, line 3270? A. Line 3270: wire screening, galvanized, $\frac{5}{8}$ -inch mesh, No. 12 wire, 36 to 50 inch, 1,500 square feet advertised for, bid price 15 cents per square foot.

Q. Same as in the year 1892 and '93? A. Same, exactly.

Q. And who was the successful bidder in that year? A. J. W. Birkett Manufacturing Company.

Q. On both of the classes? A. No; the other class was James Brooks.

Q. James Brooks bid 1 cent? A. Yes, sir.

Q. In his class; and they didn't buy any? A. Didn't buy any.

Q. Birkett bids 15 cents in his class, and they buy them? A. That is the record.

Q. Now how does the item appear in the years 1889 and 1890 and 1890 and 1891; you will find them on page 16? A. Line 449: wire screening, galvanized, $\frac{5}{8}$ -inch mesh, No. 12 wire, 36-inch, 100 square feet advertised for, bid price $19\frac{1}{2}$ cents per square foot.

Q. Do you find it on any other portion of the schedule? A. No, sir; it is not anywhere else.

Q. That is 1889 and 1890? A. Eighteen hundred and eighty-nine and 1890.

Q. And they only advertised for 100 square feet? A. One hundred square feet.

Q. That is subsequently increased to 1,500? A. Yes, sir.

Q. Now look at the schedule of 1890 and 1891, page 20, line 506? A. Line 506: wire screening, galvanized, $\frac{5}{8}$ -inch mesh, No. 12 wire, 36 to 50-inch 1,500 square feet advertised for, bid price 19 cents per square foot.

Q. An increase of 1,400 feet advertised for in that one year? A. Yes, sir.

Q. And that same amount remains advertised for in each of the following years? A. It does.

Q. I would like you to look at the item of wood chairs, legs, in the years 1889 to 1893, and tell me who was the successful bidder in the last two years? A. Have you the page?

Q. In 1891 and 1892, and 1892 and 1893, pages 24 and 25, line 629 in each of those years? A. Schedule of 1891 and 1892, line 629: chairs, wood seat, as per sample 3 dozen advertised for, bid price \$7.50 per dozen.

Q. Who was the successful bidder? A. Patrick Cavanaugh.

Q. Schedule of 1891 and 1893, line 629: chairs, wood seat, as per sample, 3 dozen advertised for, bid price \$10 per dozen.

Q. Now will you look at the schedule of 1889 and 1890; 1889, page 23, line 735? A. Schedule of 1889 and 1890, line 735: chairs, wood seat, as per sample, 10 dozen advertised for, bid price \$7.50 per dozen,

Q. Schedule of 1890 and 1891, page 28? A. Schedule of 1890 and 1891, line 826: chairs, wood seat, as per sample, 3 dozen advertised for, bid price \$7.50 per dozen.

Q. Now, that item changes to \$10 per dozen? A. Yes, sir.

Q. Under the bid of Cavanaugh, who afterwards became one of the firm of Cavanaugh & Thompson? A. Yes, same party.

Q. Will you also look at the item of table legs, between the years, 1889 and 1890, to 1890 and 1893? A. Schedule of 1889 and 1890, line 754: table legs, 2 feet 5 inches long, as per sample, maple, 10 dozen advertised for, bid price \$2 per dozen.

Q. What did they advertise for legs of a table for; why didn't they advertise for the whole table? A. Well, they advertised for table legs to repair broken table legs; line 746: table legs, 2 feet 6 inches long, walnut, as per sample, 4 dozen advertised for, bid price \$4.50 per dozen; schedule of 1890 and 1891, line 836: table legs 2 feet 5 inches long, as per sample, maple, 10 dozen advertised for, bid price \$1.50 per dozen; line 837: table legs 2 feet 6 inches long, walnut, as per sample, 4 dozen advertised for, bid price \$4.50 per dozen; schedule of 1891 and 1892, line 639: table legs 2 feet 5 inches long, as per sample, maple, 10 dozen advertised for, bid price 90 cents per dozen; line 640: table legs, 2 feet 6 inches long, walnut, as per sample, 4 dozen advertised for, bid price \$2.50 per dozen; schedule of 1892 and 1893, line 639: table legs 2 feet 5 inches long, as per sample, maple, 10 dozen advertised for, bid price 10 cents per dozen; line 640: table legs, 2 feet 6 inches long, walnut, as per sample, 4 dozen advertised for, bid price 15 cents per dozen.

Q. Who was the successful bidders—those last years? A. Cavanaugh & Thompson.

Q. Any furnished, do you know, in that year? A. None in 1892

and 1893; the other years they are under the furniture class in the stock ledger.

Q. Will you also look at the item of dining-room chairs, same year?

A. Schedule of 1889 and 1890—what line?

Q. Seven hundred and fifty-one? A. Line 751: chairs “Quaker” dining-room, full-bent seat, fine cane, 12 dozen advertised for, bid price, \$16.50 per dozen; shedule of 1890 and 1891, line 842: chairs, “Quaker,” dining-room, full-bent seat, fine cane, 6 dozen advertised for, bid price, \$16 per dozen; schedule of 1891 and 1892, line 645: chairs “Quaker,” dining-room, full-bent seat, fine cane, 6 dozen advertised for, bid price, \$16 per dozen; schedule of 1892 and 1893, line 645: chairs “Quaker,” dining-room, full-bent seat, fine cane, 6 dozen advertised for, bid price, \$20 per dozen.

Q. And who was the successful bidder in the last two years? A. Cavanaugh & Thompson.

Q. And that shows an evident juggling with the— A. Yes, sir.

Mr. Hirsh.—As I stated to the committee, this morning, my health is not of the kind that I would wish it to be, and for the reasons stated by the committee, I would ask for an adjournment then until the 23d of September, then to proceed until the close of the investigation.

Mr. Schulz.—The request is granted, counsellor, but as the committee can not attend at the time you proposed, the time will be extended two weeks; this committee will stand adjourned until the 23d day of September, 1895.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON AFFAIRS OF CITIES, AT A MEETING HELD MONDAY MORNING, SEPTEMBER 23, 1895, AT THE COURTHOUSE, BROOKLYN, N. Y.

Present.—Hon. F. F. Schulz, J. L. Whittet, J. A. Keenholts, C. C. Cole and J. Hennessey, of committee.

Mr. Hugo Hirsh, of counsel.

Mr. Hirsh.—At the committee's pleasure we will proceed.

Hugh Corboy, having been called as a witness and duly sworn by Mr. Hennessey, testified as follows:

Examination by Mr. Hirsh:

Q. What is your full name; Hugh Corboy? A. Yes, sir.

Q. What is your employment? A. I am steward of the Long Island State Hospital at the present time.

Q. That is, the present designation of it is the Long Island State Hospital? A. Yes, sir.

Q. Since it has been turned over to the State? A. On the 1st of July.

Q. And what was it formerly known as? A. The Kings County Lunatic Asylum.

Q. And that is situated where? A. At Flatbush.

Q. And you were then in what position? A. Steward or assistant steward.

Q. How long have you been steward? A. Two years.

Q. Beginning at what time? A. The 1st of January, 1894—1893, I think.

Q. Well, 1893 or 1894? A. Eighteen hundred and ninety-three.

Q. And you were assistant steward for the years previous to that? A. Yes, sir.

Q. And who was the steward? A. Thomas F. Kane.

Q. How long was Mr. Kane steward? A. Mr. Kane was steward from 1890 to 1893, when he went out.

Q. He was appointed steward by Gott, Nolan and Murphy?

A. Yes, sir.

Q. And you were appointed assistant steward under him? A. No, sir; I think he was appointed steward to the asylum at Kings Park previous to 1890; I think he was in the service in 1889.

Q. He was in Kings Park in 1889? A. No, sir; he was steward down there and they transferred him to Flatbush.

Q. And you were made assistant steward under him in 1890? A. Yes, sir; in 1890.

Q. And have you been there ever since? A. Yes, sir.

Q. As such assistant steward what were your duties? A. They were general in character—in regard to the provisions and stores of every character—in the distribution and reception and delivery and all that.

Q. The reception and delivery of stores? A. Of all kinds.

Q. Stores sent to the asylum? A. From the general storehouse.

Q. And who was the storekeeper from 1890 to 1894? A. William H. McLaughlin.

Q. And what was the course that those stores took—the contractor sent them to the storekeeper? A. I believe so; yes, sir.

Q. And you got them from the storekeeper for your particular institution under requisition? A. On requisition; yes, sir.

Q. Will you look at this paper marked Exhibit No. 24, August 15, 1895, and state what it is?

(Counsel presents paper to witness.)

A. It is my requisition on the commissioners of charities for provisions and stores of various kinds.

Q. It is your requisition on the commissioners of charities for certain things that were needed in your institution? A. Yes, sir.

Q. In whose handwriting is it, Mr. Corboy? A. Mine.

Q. All of it? A. No, sir.

Q. What part of it is not in your handwriting? A. There is one item in at the bottom not in my handwriting.

Q. Will you kindly speak a little louder, Mr. Corboy? A. Yes, sir.)

Q. There is one item in at the bottom not in your handwriting? A. Yes, sir.

Q. At the bottom of the first page? A. Yes, sir.

Q. And any other? A. On the top of the other page there is an item not in my handwriting.

Q. Will you state the items not in your handwriting? A. Well yes, sir; there is one on the front page, which is one refrigerator, New Perfection, No. 15.

Q. In whose handwriting do you think that is, Mr. Corboy? A. I couldn't say, sir.

Q. Can you tell in whose handwriting the other item is? A. The other writing is 500 pairs of blankets; yes, that is Kane's handwriting.

Q. That is Kane's writing? A. Yes, sir; I rather think that is one of the doctor's writing at the bottom.

Q. You think the refrigerator is in the doctor's handwriting — Dr. Sylvester? A. I rather think it is.

Q. And the 500 pairs of blankets is in Kane's handwriting? A. Yes, sir; no doubt about that.

Q. Both of those were interlined? A. After I had signed it and sent it up.

Q. The item of 500 pairs of blankets is a pretty large one, is it not? A. In them days it was not.

Q. What is that Mr. Corboy? A. In them days it was not.

Q. Do you mean by that an interlineation of such an item as 500 pairs of blankets would not be a great deal in those days? A. I mean that the calling for 500 pairs of blankets would not be a great deal.

Q. But the interlineation would mean a great deal? A. Oh, yes, sir; it would, a great deal.

Q. You don't know anything about those blankets? A. I couldn't remember exactly whether they were delivered.

Q. You don't know whether they were delivered or not? A. I don't; no.

Q. Is this the first you knew of this interlineation? A. When I saw it in your office; yes, sir.

Q. When you saw it in my office? A. Yes, sir.

Q. The date of that requisition is November 9, 1892? A. Yes, sir.

Q. And you were at that time assistant steward? A. Yes, sir.

Q. And all matters that were necessarily required for that institution were known to you? A. Pretty well; yes, sir.

Q. And if 500 pairs of blankets had been required at that time it would have been known to you? A. Yes, sir.

Q. And you would have put it on the requisition? A. Yes, sir; if my attention was called to it by the doctor I would have put them on.

Q. But it is not in the doctor's handwriting? A. No, sir; nor mine.

Q. Nor in yours? A. No, sir.

Q. What is the greatest number of blankets that you remember of having been delivered to your institution at one time? A. Well, I think in the neighborhood of 200 or 3,001.

Q. So 500 pair would be an extraordinary lot to be delivered to your institution? A. Yes, sir; it would be — at one delivery.

Q. What is that? A. At one delivery, I say.

Q. At one delivery; were the blankets then delivered in your institution in such great quantities or at the storehouse? A. They were sent to us from the storehouse in cases.

Q. About what time of the year would that be done? A. Well, it would run along from the middle of November until March.

Q. In cold weather? A. In cold weather.

Q. The patients, during cold weather would need a great many blankets? A. Yes, sir.

Q. About how many persons were in the hospital or asylum at the time? A. In 1892?

Q. Yes, sir. A. I should judge about 1,600 or 1,700 patients.

Q. Did you in your institution split the blankets or use them as they came? A. No, sir; used them in pairs.

Q. You used them in pairs? A. Yes, sir.

Q. About how long did those blankets that you got there last? A. Well, they had to last a good while, sir.

Q. I know that; now tell us what the effect of one washing had

upon them, Mr. Corby? A. It had a very bad effect on the blankets, shrank them very much.

Q. And on a second washing they vanished? A. There was not so much blanket left.

Q. Was there anything left when washed, after the second washing? A. We used them for lining coats, or something of that sort.

Q. But as a blanket it was useless? A. Well, we had to use them in some way or another, make two go for one.

Q. Did you send them to the insane asylum and have them torn apart by the patients? A. It was in the insane asylum they were.

Q. Well, the patients would destroy the rest of them? A. They would destroy them whether they were shrunk or not; they would tear the new blankets as quick as an old one.

Q. But the fact is the blankets were of a very inferior quality? A. Oh, yes, sir; I think they were.

Q. Are any of the blankets left of the thousands that were supplied? A. Oh, yes, sir; I think there are.

Q. Do you know what kind? A. Well, we only received up to the—I think in the fall of 1893 we got about 200 of what they called the silver gray blankets.

Q. Yes, sir. A. As a substitute for the white blankets; we had been using the white blankets entirely.

Q. Which were the best, the silver gray or the white blanket? A. The silver gray was far the best for service, but it didn't look so well.

Q. It served better but didn't look so well? A. Yes, sir.

Q. And that was in the fall of 1893? A. Yes, sir.

Q. Are any of those silver grey blankets left? A. Yes, sir; I have seen some of them.

Q. Are any of the white blankets left? A. No, sir.

Q. None at all? A. No, sir.

Q. Are any of them left in any condition? A. Oh, yes, sir.

Q. You have brought none of them with you, Mr. Corboy? A. No, sir.

Q. The furnishing of these blankets was upon requisition? A. Yes, sir.

Q. And that requisition was directed by the steward? A. It was made out by the steward and signed by him, transferred to the general superintendent for his signature and for transmission to the board.

Q. All you did was to obey orders in writing out what he commanded? A. Yes, sir; that is all, sir.

Q. Now, you are entirely in charge? A. Yes, sir; I am.

Q. At that time you were only the assistant? A. That was all.

Q. Were you in the steward's office all the time, or a greater part of the time? A. No, sir; had an office of my own, at least desk room in another room.

Q. Were you thoroughly acquainted with the goods sent there to the institution? A. Pretty much; yes, sir.

Q. Very little of the goods that were required for that institution could have been brought there without your knowledge? A. Very little.

Q. Was it an ordinary thing, so far as your knowledge goes, of inserting in requisitions items after the requisition was made out and signed? A. It was an extraordinary occasion.

Q. Did you ever know it to have been done before you had noticed this? A. I can't say that I did.

Q. That is the first time that your attention was called to the interlineation of items, of at least so large a quantity, since you have been assistant steward and steward? A. Yes, sir; I want to qualify that, counselor, by saying that at times the doctor, the general superintendent, might require something for his office use — postage stamps or something of that sort.

Q. Of a trifling nature? A. Yes, sir; he would insert after the requisition went to him; he would insert what he required.

Q. But those were items of a trifling nature? A. Yes, sir; you might call them trifling — 400 or 500 postage stamps.

Q. Would you call an item of 500 pairs of blankets an item of a trifling nature? A. I can't understand that.

Q. You have never known that to happen before? A. No, sir.

Q. How many copies of the requisitions were made when you were there? A. Up to the advent of Doctor Sylvester three; after he got

charge I told him I thought he ought to have a copy of the requisition, and then there were four made.

Q. Every article as it was delivered you checked off on the requisition as made? A. Well, we did usually; yes, sir; but not as a general rule; sometimes the requisitions would not be returned to us in time before the delivery of goods, and we couldn't check off, but we had a delivery book which we checked.

Q. That is, a receipt book? A. Yes, sir.

Q. And every article appeared on that receipt book? A. Yes, sir.

Q. Each article was checked off? A. Yes, sir.

Q. Do you know how those articles were checked? A. In the storehouse with a penpoint?

Q. And checked in the institution by pencil? A. By cross-mark; yes, sir.

Q. So that each article after it was received in the storehouse and sent to your institution, and appearing on those receipts, ought to have two check-marks? A. Yes, sir.

Q. An up check-mark with a pen, and a down check-mark with pencil? A. Yes, sir.

Q. That was the rule? A. Yes, sir; that was the rule.

Q. Were there any goods to your knowledge delivered that were not upon a requisition? A. Well, I am not quite sure of that now; it is a long time back.

Q. You knew what the custom was; you ought to know whether one was the rule or whether it was not? A. What?

Q. Whether goods would come there in quantities not asked for by requisition? A. No, sir; I scarcely think they were; not to my knowledge at any rate.

Q. There would be articles delivered in quantities not called for by requisition on the ground that packages did not contain the exact amount called for; if you ask for 100 yards of a certain kind of goods you could get 100 yards, more or less? A. Yes, sir.

Q. And so with butter—the tubs might contain more than the quantity asked for? A. Yes, sir.

Q. And in this wise you might get quantities not asked for? A. Yes, sir; it might run over or under.

Q. Those would be very small variations? A. They would not break packages to make the amount called for.

Q. But the variations in those instances between the amount requisitioned for would be comparatively small? A. Yes, sir.

Q. Do you know of any large variations between the amount required or requisitioned for and the amount delivered; do you recollect any such instances? A. No, sir; do not.

Q. As assistant steward in 1892 and 1893 did you have charge of the storeroom of your institution? A. Well, yes, sir; we had a kind of a general charge.

Q. That is, you and Mr. Kane? A. Yes, sir.

Q. And as such assistant steward at that time were you in the habit of receiving a bale or two of blankets at a time? A. They came in boxes — in cases — as I have said.

Q. And how many in a case? A. I think 100; 50 or 100, I am not quite sure.

Q. Do you remember who it was—whose name was on the cases or who the contractor was for the blankets at that time? A. No, sir,

Q. You, of course, have used blankets yourself for very many years? A. Yes, sir.

Q. And you know the difference between blankets and blankets? A. Yes, sir.

Q. You have described these blankets as being of about the kind that would vanish in thin air after a second washing; have you ever seen better blankets or used better blankets yourself? A. I have seen them in the institution; they are ther now.

Q. And have you used them in your own home—better blankets? A. Oh, yes, sir.

Q. Did you ever see much worse blankets, Mr. Corboy? A. Well, yes, sir; I think I did.

Q. Did you? A. Yes, sir.

Q. Blankets that might vanish in thin air by one washing? A. Yes, sir; there would be nothing left at all of them.

Q. It has been testified to here by the contractor that the blankets that he furnished the institution were the very best in the market;

you do not agree with him as to that? A. I do not agree with him for this reason; that the contract called for a certain kind of blanket.

Q. And he did not furnish that weight of blanket? A. No, sir.

Q. No; where did you ever see worse blankets, Mr. Corboy—in any of the other institutions under the charge of the county? A. No, sir; I can't say that I did.

Q. Can you now remember where? A. I think it was in some wholesale house in New York.

Q. were these blankets that you have testified to as shrinking in the manner that you have stated anything like the blankets that had been furnished in former years? A. No, sir; not anything as good at all.

Q. Not near as good? A. No, sir.

Q. Not in wearing quality or in weight? A. No, sir.

Q. How long did these blankets last—how long did they last for use? A. Well, some of them are in use yet.

Q. I know, but what length of time were they used in the institution; you say one washing would shrink them about half, and after a second washing they would become practically useless; how often were they washed? A. Every week or every time they were soiled.

Q. Then practically they would not last very long? A. Well, no, sir; they would be used for other purposes.

Q. What I meant to say is this; how long would they be used as blankets without being sewed together or without anything being done except washing—how long would they be blankets in fact, two or three weeks? A. Oh, yes; blankets for months.

Q. And then after they ceased to be blankets they would be sewed together or used as linings for coats? A. We would tear them up and send them into the mat room and have them made into rag carpets or something of that sort, or the tailor shop for lining of coats.

Q. Was it possible at any time to use any of these blankets for a whole season as blankets? A. Yes, sir; three or four pair of them.

Q. What do you mean by that? A. I mean three or four pair of blankets to every one patient.

Q. I mean was it possible to use one of those blankets for a whole season? A. I didn't understand you; yes, sir; some of the attendants were more careful than others—maybe not send them to the laundry as often.

Q. Then it was either a question of their remaining soiled longer than others or lasting longer? A. Exactly.

Q. But if they were washed weekly, as you stated some of them were, was it possible to make them last a season as blankets? A. Yes; we would have to make them last a season.

Q. But would they be large enough to cover a patient? A. Well, they would not be quite large enough; no, sir.

Q. What would you do with them—sew two or three together? A. No, sir; put two or three pair on one bed—five sometimes, or six.

Q. Then where one pair ought to have done you put three or four or five or six pair on a patient? A. Yes, sir.

Q. And in that way you would make them last? A. Yes, sir.

Q. But if they had been proper blankets, of the proper texture and quality, one pair would have lasted a season for the patient? A. Yes, sir; one pair would have lasted.

Q. When did you start to use the silver gray blankets that you have mentioned? A. I think it was the fall of 1893, or the spring.

Q. Did you continue to use them or did Doctor Fleming object to their use? A. Doctor Fleming objected and when Doctor Sylvester came in he rejected some of the white blankets, and we had to have some sort of a blanket and he asked the store-keeper to send the silver grey; I think they sent us 250 or 200; I think it was the fall of 1893 or the Spring of 1893.

Q. Did you use all the silver grey blankets? A. No, sir; I have some of them yet.

Q. You aren't using them there? A. Yes, sir; I used 25 last week.

Q. You used them when the others gave out? A. Yes, sir; when they are called for.

Q. What objection was made by Dr. Fleming to the silver grey blankets? A. Well, he rather thought that insect life might be easier hid away in them than in the light blanket.

Q. And you have some of those old blankets on your hands yet?

A. I think so; oh, yes, sir; there are some of them in the hall yet.

Q. When blankets were called for in the insane ward you sometimes gave out the silver grey? A. I gave 25 pair last week.

Q. Do you know who the contractor now is who furnishes the blankets? A. No, sir.

Q. You never knew who the contractor was? A. No, sir; I did not — only by name or reputation.

Q. Did you ever deliver blankets yourself from the store-room to the asylum? A. Our mode of furnishing blankets was on an order from the halls. The doctors signed the hall requisition books which came to the steward's office; on that hall requisition book we issued the blankets.

Q. You mean each ward is called a hallway? A. Yes, sir.

Q. And the keeper in charge, he gives the notice to the doctor? A. He has a book; the hall book.

Q. And he enters it into that book — as to the necessities of his particular hall or ward? A. Yes, sir.

Q. And thus it goes to the superintendent? A. Yes, sir; thus it goes to the superintendent, and from the superintendent to the steward.

Q. And in that wise you know what is required in the institution? A. Yes, sir.

Q. Did you ever go for any of these blankets yourself? A. Did I ever do what?

Q. Did you ever go for any of these blankets yourself to the storehouse? A. To the general storehouse?

Q. Yes, sir. A. No, sir.

Q. How were they sent? A. On the delivery truck.

Q. Whom did you send with the requisition to the storehouse? What was the course about? A. Our requisition was sent by the doctor to the main office.

Q. To the commissioners? A. Yes, sir; they approved or disapproved of the items in the requisition; they then sent that to the general storekeeper who ordered the goods from the contractor; they were delivered to the storehouse and the general storekeeper delivered to us from them.

Q. You had nothing further to do? A. Until the goods came to us.

Q. Suppose they didn't come as you ordered, what would you do?

A. Would write to the storekeeper.

Q. You didn't go there personally? A. Generally write or telephone over.

Q. Did you say that there were none of those blankets left — those blankets that would vanish away after one or two washings?

A. I suppose there are some in the store-rooms on the hall yet.

Q. All new, or those that have been used? A. All have been used; there is no old ones in the house.

Q. You think there would be an old pair there? A. Of the last batch?

Q. They would not be of the original sort? A. No, sir.

Q. But you can tell that they belonged to that particular kind of blanket? A. Yes, sir.

Q. If I send a messenger up there can you describe where he can get one? A. Just drop a note to Doctor Sylvester and he will give you a pair at any time; I have a pair of silver grey blankets already packed up to send to you.

Q. I don't want the silver grey; I want one of the kind that vanish. A. Yes, sir; I know; but Mr. Pladwell said he wanted a pair of the silver grey.

Q. Did you ever order 400 pair of blankets yourself? A. I might have.

Q. Do you know whether you did or not? A. I couldn't remember now very well.

Q. I can't hear you, Mr. Corboy. A. I couldn't remember now very well; it is so long ago.

Q. Did you look up that matter in your books? A. Yes, sir; I did.

Q. What did you find? A. I don't know that I made it very plain to myself even; my impression of that was that they were the last lot ordered, and I think that Doctor Sylvester rejected them; that was my impression at that time, or at least since; here is a little memorandum that I made, counselor since.

(The witness produces memorandum.)

Q. What do you find the fact to be? A. I find from August 1, 1893 to January 1, 1894 there were 600 pair of blankets delivered.

Q. Yes? A. The delivery dates were September 27th, 200 pairs; November 8th, 200 pairs, and December 6th, 200 pairs.

Q. That was what year? A. That was in the fall of 1893 — up to the 1st of January, 1894; previous to that I think there was some 1,400 pairs delivered.

Q. They were delivered in what lots — how many at a time? A. Two hundred lots.

Q. All of them in 200 lots? A. Yes, sir.

Q. Have you any memorandum of any greater lots than 200 being delivered? A. No, sir; let me see; not at that time — yes; on the 1st of November, 1892, there were 250 pair delivered; I think that was the largest number delivered at one time.

Q. You were there in December, 1890, Mr. Corboy; you were there as assistant steward in December of 1890? A. Yes, sir; I think I was.

Q. Do you recollect any other quantities being delivered in larger quantities at that time? A. I do not; no, sir.

Q. Just look at the two pages that are marked on the paper here and state how many pairs of blankets as shown by the receipt book, were delivered at that time.

(Counsel presents receipt book to witness.)

A. Four hundred and twenty pairs on December 9, 1890, receipted and checked by T. F. Kane, steward.

Q. And the next one? A. December 17, 1890, 420 pairs of Alaska blankets, receipted and checked by T. F. Kane, steward.

Q. That is 840 pairs of blankets within what time, Mr. Corboy? A. Within one week — within 10 days at least.

Q. That is within 10 days? A. Yes, sir.

Q. Did you ever know any such quantity of blankets to be delivered at your institution within 10 days? A. I can't go back as far as that, counselor.

Q. Well, I want your best recollection? A. I know we were short of blankets somewhere along there, and it appears to me that there was quite a delivery of blankets, but at what time I don't

quite remember; I can't say it was as early in our administration as December, 1890.

Q. There was quite a delivery of blankets you say, and you said a few moments ago that ordinarily there were not more than 250 asked for at any time? A. That was the largest since 1892.

Q. But here are 420 on two different dates within 10 days, 840 blankets — wouldn't you consider that an extraordinary number? A. Yes, sir.

Q. And wouldn't you remember that fact if it had taken place, Mr. Corboy — such an immense number of blankets delivered at your institution within 10 days — wouldn't that be apt to remain in your memory? A. Well, I can't say that it would.

Q. Well you look at the receipt book that I now hand you, a receipt of October 3, 1891, and state whether the usual check marks that you have stated were made to items as they were received at the storehouse and your institution are at all the items there? A. They are all checked but the last one.

Q. The last item is an item of blankets? A. Fifty pairs of blankets.

Q. Whose handwriting is that?

(Counsel presents receipt book to witness.)

A. The blankets?

Q. Yes, sir. A. I don't know.

Q. It is not the same as the rest of the receipt? A. It is not.

Q. And it is not checked? A. And it is not checked.

Q. What might that mean if it is not checked, Mr. Corboy? A. What might it mean?

Q. Yes, sir. A. That we did not get them, that is all—that is the only thing.

Q. Well, I want that? A. Yes, sir.

Q. Now, you have stated that in 1892 the largest number of blankets ordered at one time, or requisitioned for, were 250? A. No, no; delivered.

Q. That would show upon the receipt? A. Yes, sir.

Q. You don't remember any time in 1892 that 500 were delivered at one time, do you? A. No, sir.

Q. Suppose you look at the receipt of November 21, 1892, and see what the last two items were on that receipt?

(Counsel presents receipt referred to to witness.)

Q. Read them, please? A. Three hundred pair white blankets; 200 pair white blankets, November 21, 1892.

Q. Well, the 200 pair is marked "ditto," is it not? A. Yes, sir.

Q. In a different handwriting—you noticed that? A. No.

Q. Well, just look at the "200" and the "do?" A. It does not look the same.

Q. It does not look the same? A. No, sir.

Q. And does the check look the same? A. No, sir.

Q. You would remember if 500 blankets were received at that time—at the same time—would you not? A. I think I would; yes, sir; if I was there, you know.

Q. If you were there? A. Yes, sir.

Q. Well, you would be apt to see them when you got there? A. Yes, sir; I would know them.

Q. Five hundred pairs of blankets is a pretty large number? A. Yes, sir.

Q. How many blankets came in a case? A. I think 50 or 100.

Q. So that would make 10 cases? A. Yes, sir.

Q. And you would necessarily notice a large number of cases of blankets when you came back again? A. Oh, yes, sir.

Q. Did you see anything of the kind at that time? A. I can't remember.

Q. No; now let me call your attention to the receipt mark, February 2, 1893; will you kindly read off each of the items on that receipt; then state the number of items on the receipt and the number of check marks on the receipt?

(Counsel presents to witness the receipts referred to.)

A. Yes, sir; February 2, 1893; all the items?

Q. If you please; yes, sir? A. Three hundred and twenty-three pounds of butter, officers; 898 pounds of butter, No. 1; 502 pounds of cheese; 55 pounds of ham; 1,315 yards of cretonne; 1,264 yards of gray flannel; 4 dozen table covers; 4 bags of tapioca; 2 barrels of apples; 150 pair of white blankets.

Q. How many check marks — or first, how many of those items on that receipt? State that first, please. A. Ten on this.

Q. Now, how many check marks? A. Nine check marks, apparently.

Q. The last check mark is opposite the apples? A. It looks so; it covers both items almost.

Q. Almost — but what does it actually cover? A. It covers the apples, the storehouse check.

Q. And the other check goes down so as to pretend to cover the others? A. I won't assume that, counselor.

Q. Is there any check mark that you can see to the blankets? A. No, sir.

Q. None at all? A. No, sir.

Q. What does that mean? A. I couldn't say, I am sure.

Q. Doesn't it show that they were not received? A. Yes, sir; it shows that they were not checked.

Q. They would have been checked if received, Mr. Corboy? A. I rather think so; yes, sir.

Q. Yes; now will you look at the item or receipt dated February 16, 1893, and state whether the last item on that receipt is in the same handwriting as the balance of the receipt?

(Counsel presents to witness the receipt referred to.)

A. I wouldn't say so.

Q. You wouldn't say so; yet you know whose handwriting the rest of the receipt is? A. I rather think it is Sullivan's, the clerk of the storehouse.

Q. But the last item, 50 pairs of blankets, is not the same? A. No, sir; it don't look so to me.

Q. Nor is the check mark similar to the former one? A. The check mark is a little crooked, that is a fact.

Q. Yes, sir; will you look at the receipt of February 23, 1893, marked Exhibit No. 25, of August 15, 1895, and just state in whose handwriting that is, so far as you know? A. Which do you say?

Q. The whole of that receipt. A. The body of it?

Q. In whose handwriting is it, with the exception of the last line?

A. I rather think it is Sullivan's.

Q. The whole of it, with the exception of the last line? A. Yes, sir.

Q. The last line looks a little different? A. Yes, sir.

Q. Just number the items on that receipt and state how many items there are on it. A. Eleven items.

Q. How many? A. Eleven.

Q. There are two of them stricken off on top? A. Yes, sir.

Q. Now, with those off, that would be nine? A. Yes, sir.

Q. And how many check marks? A. Eight check marks, evidently.

Q. The last item on the receipt is what? A. Two hundred and eighty-eight bed spreads.

Q. That is rather squeezed in at the bottom, is it not? A. Yes, sir.

Q. And in a different handwriting? A. I couldn't say that, counselor.

Q. Has it, that last item, any check mark? A. Well, they are all so jumbled up it is hard to tell.

Q. But there are only eight check marks and nine items? A. Eight; that is all there is there.

Q. That would show that one item was not delivered or checked for? A. They cover two items with one check mark in several of those.

Q. Either they covered two items with one check mark or one item was squeezed in after all the other items were checked; that is true, is it not? A. Yes, sir; that is about it.

Q. Yes; there is no question in your mind, Mr. Corboy, that for the items actually received in your institution the receipt book was checked? A. Yes, sir.

Q. And there is no question in your mind that for items received in the store-house the articles were checked? A. I don't know anything about the store-house.

Q. But this receipt would come to you from the store-house? A. Yes, sir.

Q. Consequently you would say that that item was checked when you checked it again? A. Yes, sir.

Q. There is no question in your mind as to that? A. Oh, no; they checked the goods as they put them on the truck to deliver them to us.

Q. So that the articles appearing on these receipt books without any check marks at all could not have been received? A. No, sir.

Q. What would be your solution of that; what would have been the object of putting those upon the receipt book without it appearing upon the requisition and without it having been checked? A. Well, I couldn't say, sir; they might have made a mistake in various ways; I really can't give you any solution of it.

Q. What is it, Mr. Corboy? A. I really can not give you an opinion on that, counselor—to make me a judge of those people's actions.

Q. So for as you can tell goods marked upon an official receipt and bearing the stamp that it had actually been received the only object would be to get pay for goods not delivered? A. Yes, sir; it looks like that.

Q. It must have been either in the interest of the contractor or somebody connected with the institution or in the interest of both; that is true, is it not? A. It is more than likely.

Q. Did you ever reject any of the supplies that were delivered to the institution? A. Yes, sir; I found fault with some of the goods at one time after going there, and I think it was meat.

Q. And fish? A. Mutton.

Q. Pork? A. Mutton.

Q. Mutton and pork? A. Yes, sir; I think so.

Q. And fish too? A. Yes, sir; there was sometimes fish a little bit off color and it was sent back.

Q. What was the result of your objection or rejection? A. Well, we were sent word that we were not the judge in the matter; the storekeeper was the judge; not us.

Q. And the things would have to be used? A. Yes, sir.

Q. And if not used what was done with them? A. Well, I burned them up.

Q. They were cremated? A. Yes, sir; that is about the size of it.

Q. And there was a great deal of that done? A. Well, no; there was not a great deal of it; there were three or four barrels of pork. I remember in one instance.

Q. You don't call that a great deal, three or four barrels of pork? A. Not for the quantity used there.

Q. That is, comparing it with the quantity used, you do not consider three or four barrels all in one lump to be a great deal, but if it was in your own house it would be enough to use for a year? A. Quite a lot; yes, sir.

Q. So that these things that you would report as unfit for use, which they still compelled you to keep there, would not return, were burned up, and yet had to be paid for? A. Yes, sir; I done that.

Q. You knew that? A. I done it.

Q. To whom did you make these objections? A. Dr. Sylvester, the general superintendent.

Q. And he made no objections to the storekeeper? A. Yes, sir.

Q. The objections didn't go? A. No, sir.

Q. The goods stayed there, even when they were unfit for use? A. Yes, sir.

Q. And, of course, these goods were largely eatables? A. Oh, yes, sir.

Q. There were no dry goods rejected? A. No, sir; I don't think there was.

Q. Or blankets? A. No, sir; except—yes, sir; the last lot of blankets, as I told you before, were received, and Dr. Sylvester rejected them, and we got the silver grays in place of them.

Q. That was the only lot; but you knew at the time, while you were using the white blankets, that they were not in accordance with the requisition nor the contract, and that they were light weight and poor quality? A. Yes, sir; their attention was called to it; Dr. Sylvester waited and called their attention to it.

Q. And yet you had to keep them? A. We had to keep them.

Q. What did the storekeeper say in reference to these complaints, anything? A. He would come up there and apologize or make it plain that the goods were according to contract and sample, and all that.

Q. He tried to make it plain that the goods were according to contract? A. Yes, sir.

Q. Did you ever compare them in order to see that they were not in accordance with contract? A. There was no occasion to.

Q. How did he try to make it plain that they were in accordance with the contract? A. That was between him and the doctor.

Q. Oh—you were not present at that time? A. No, sir.

Q. Did you have any conversation with any of the commissioners in reference to any of these goods, Gott, Nolan and Murphy? A. I rather think I did; some of them.

Q. And did not some of the commissioners tell you that they had passed a resolution stating that the storekeeper was the only person authorized to reject supplies? A. Yes, sir.

Q. And that they had taken away the power of doing that from the superintendent and the steward? A. Yes, sir.

Q. Yes, sir. A. And that was revoked by Commissioner Henry.

Q. That was afterwards rescinded when Henry came into the board? A. Yes, sir; Henry and Simis.

Q. But while Gott, Nolan and Murphy were there that state of affairs existed? A. Yes, sir; that was the rule.

Q. So that you might complain and the superintendent might complain and it would have no effect? A. No use.

Q. Were you around the asylum at all or were you in your own office most of the time? A. My duties called me all over the building.

Q. All over; what did you do around the asylum particularly, Mr. Corboy? A. Make general inspection of all store-rooms and shops of every kind, kitchens, and all that.

Q. And see that cleanliness is generally observed? A. To see that everything is in good shape and in good order.

Q. Dr. Sylvester has charge of the asylum? A. Yes, sir.

Q. He is general superintendent and has been? A. Yes, sir.

Q. What is the practice in vogue in the asylum, what has been up to last year, with reference to having somebody see that nurses and attendants perform their duty day and night? A. There is a constant watch; there is a corps—we have what we call supervisors there to start with.

Q. They supervise attendants day and night? A. Yes, sir.

Q. Who go around and see that nurses do their duty at night even? A. Yes, sir.

Q. The asylum is not in the condition in which Dr. Fleming testified the hospital was—that at night time the nurses were only in charge? A. Oh, we have a physician in charge there at night.

Q. All night? A. Yes, sir.

Q. Up all night? A. He is there at the call of the watchman every hour, and makes his rounds regularly with the night watch.

Q. During the night? A. Yes, sir.

Q. And besides that you have supervisors? A. Yes, sir.

Q. To see that the wards are kept clean? A. Yes, sir.

Q. And that the nurses do their duty? A. Yes, sir.

Q. And that patients are not maltreated by nurses? A. Yes, sir.

Q. Were the attendants at the asylum as good before the State Board of Lunacy took charge as afterwards? A. Well, there has been an improvement, a very marked improvement.

Q. You recollect the time when complaint was made by the State Board of Lunacy Commissioners? A. Yes, sir.

Q. And that there was a change made after that? A. Yes, sir.

Q. Do you know whether there was a material difference between the nurses and attendants before that and after? A. Yes, sir.

Q. There was a great improvement after that? A. Yes, sir; certainly there was; the authority of appointment was given back to the superintendent, which the commissioners had taken from them.

Q. The authority of appointment and discharge? A. Yes, sir.

Q. So that after the State Board took charge the superintendent was superintendent in fact? A. Yes, sir.

Q. And he could hire and discharge nurses and attendants? A. Yes, sir.

Q. While before that their appointment was a matter of politics? A. They were appointed by the commissioners, at least recommended by the commissioners.

Q. And the superintendent had no control over them? A. He has as far as an employe was concerned.

Q. What is that? A. He had so far as an employe was concerned.

Q. But he could not discharge? A. He could recommend their discharge.

Q. Was every recommendation by him carried out as to that? A. Well, I couldn't say anything about that.

Q. Don't you know as a matter of fact, Mr. Corboy, that before the State Board of Lunacy took charge it was well known by the attendants there that they had as much pull as the superintendent, and if charge was made against them all they would have to do was to exercise their pull and they would remain? A. Some of them were foolish enough to think that way.

Q. Some of them did think that way? A. It was not the rule at all.

Q. But it did operate in some instances? A. Yes, sir; I rather think it did in isolated cases.

Q. Don't you know the fact that attendants were discharged, and that such discharged attendants were afterward reinstated by the charities commissioners? A. I believe that was so.

Q. Yes; the practice of requisitions from your department was to send to headquarters—whatever articles you needed for the institutions you would send a requisition to Elm place? A. Weekly; yes, sir.

Q. Weekly? A. Yes, sir.

Q. Now, there the commissioners would go over the requisition and they would then, if they chose, cut down or cut out an entire item? A. Yes, sir.

Q. And whatever their action was it was sent by them to the storekeeper? A. Yes, sir.

Q. And from the storekeeper it would come to you? A. Yes, sir.

Q. So that after you requisitioned for an article you did not always know that you would get all that you would ask for? A. No.

Q. Did the commissioners ever increase an item asked for by your institution to your knowledge? A. Not to my knowledge.

Q. Can you tell how it was that Kane should receipt for blankets on the 16th day of February — I show you the receipt of February 16, 1892.

(Counsel presents to witness the receipt referred to.)

A. Yes, sir.

Q. Upon which there were 50 pairs of blankets at the end in a different handwriting; there is no requisition for those 50 pairs of blankets, nor does it appear anywhere until a week afterwards, the 23d; can you tell how Kane could receipt for blankets on the 16th day of February and that they did not appear on the requisition for a week afterwards? A. There is only one solution for that, and that is, that he might want those 50 pairs of blankets at once, and say to the storekeeper: "Send them at once and I will cover them on my requisition the following week;" that is the only solution that I know.

Q. Yes; but they would necessarily be in the same handwriting on that receipt, wouldn't they? A. It wouldn't follow; there were three of them there in the storehouse.

Q. On a short receipt containing seven or eight items there might two or three make out receipts? A. No; the receipt is generally in Sullivan's handwriting.

Q. Would you consider it at all peculiar, a receipt for one item, for an article which has been so prolific of investigation as blankets, in a different handwriting, and no requisition until a week after? A. Yes, sir; it was kind of strange.

Q. Is the discipline regarding attendants and nurses better now than it was in 1890 or 1893? A. Oh, yes, sir.

Q. There is a great difference? A. Very great.

Q. Do you think that politics had anything to do with the lack of discipline during those years? A. I don't—I can't say.

Q. Give me your best opinion; you were there and you knew what the people said? Affected the discipline of the institution?

Q. Yes, sir. A. I don't think it did.

Q. I do not mean the discipline of the institution; when I speak of the institution I am speaking of the attendants; did it affect the

discipline of the attendants and nurses of the institution? A. That is what I mean.

Q. Didn't it affect the discipline when they could say to the superintendent when he wanted to discharge them or discipline them: "We have as good a pull as you have and we are going to stay?" A. They wouldn't say that.

Q. They said it in effect? A. They said when he discharged them that they would come back.

Q. Wouldn't that affect the discipline? A. Yes, sir; it would; I imagine so.

Q. Consequently the political end of it, taken from the standpoint just stated, would have affected the discipline? A. I can't see where unless you take the board, the political complexion of the board, and apply it to the attendants.

Q. If a man employed as nurse or attendant could, regardless of his competency, say that he could be reinstated after discharge, wouldn't it affect the discipline? A. Yes, sir.

Q. And wouldn't it show that he had a pull upon the commissioners? A. Yes, sir.

Q. And that would be politics, or ain't you politician enough to know that? A. Yes, sir; I know a good many things about it; I know it might affect a Republican board as well as a Democratic board.

Q. I am simply speaking of the fact that a man having the pull, and being able to be reinstated after his incompetency is shown, wouldn't that show that politics had something to do with it, regardless of party--party politics had something to do with it? A. The man might be a personal friend of some of the commissioners; two-thirds of the attendants were not voters.

Q. Do you mean to say that two-thirds were not voters? A. At that time; yes, sir.

Q. Is that the case now? A. Not now.

Q. They are now all voters? A. Not now; no, sir; they will be pretty soon.

Q. Do you know whether it is a part of the reform administration now in vogue to have none but voters? A. I think it is the law of the State.

Q. And yet you say that all are not citizens now? A. I don't think they are; no, sir.

Q. Was there ever any intoxication among the attendants and nurses at the asylum? A. I have heard reports of it; yes, sir.

Q. It existed to quite some extent at that time, did it not? A. Previous to the present administration.

Q. Previous to the present administration; previous to the making of the order of the State Lunacy Commission. A. Well, I couldn't say that it was, counselor.

Q. You say that there was none? A. Oh, there was, and there is in all institutions of the sort; there must be; whether it was less than now, or greater I couldn't say, because my duty did not——

Q. Did not call you to see it? A. Didn't call me all the time there to look after the attendants.

Q. Your office is away from where they are? A. Yes, sir; entirely, in a separate building.

Q. Did you ever while you were there receive goods for which no requisition had been sent? A. Not to my knowledge; I did not.

Q. Weren't there ever any goods sent to you in error? A. I couldn't remember; I couldn't remember, sir.

Q. Do you know what was done with goods that were sent there without requisitions? A. I do not, sir.

Q. Do you know what the usual time was that elapsed between your sending a requisition for goods and their receipt at your institution? A. Well, it would vary; the provisions would be sent the week following—or at least the board passed on our requisitions on Wednesday and the following Thursday, Friday and Saturday they

would commence delivering the goods; the following week they might deliver some dry goods, and according to the supply in the store-house they might furnish them; it might be months before we would get our entire requisition complete.

Q. Months? A. Yes, sir; months.

Q. So that if you sent a requisition for a various number of articles some of them might not be delivered for months? A. Yes, sir.

Q. You are sure about that? A. Yes, sir.

Q. Suppose you needed an article forthwith, how would you get it? A. That was no requisition?

Q. No; regardless of that; suppose something occurred in the asylum that you needed an article at once, how would you get it?

A. I would write a note to the storekeeper and ask him to deliver it, and that I would cover it on the next week's requisition.

Q. So that articles so delivered would be covered on the next weeks's requisition? A. Exactly, so as to cover the delivery.

Q. All articles required whether they had been on the annual schedules or not would go on the requisition? A. Yes, sir.

Q. You did not care, and it was not a part of your business to know what was the schedule—what you would require would be articles actually needed— A. Yes, sir.

Q. And it was immaterial to you whether the commissioners had inserted it in their schedules or not? A. Oh, yes, sir, it was necessary for me to examine and find out whether it was in the schedule and give it its proper number.

Q. So you had a copy of the schedule? A. Yes, sir.

Q. And you would look for the article before you put it on requisition? A. Yes, sir.

Q. And you would give it its number on your requisition? A. Yes, sir.

Q. So that this Exhibit No. 24, of August 15, 1895, which contains numbers in front of each of the items, these numbers are the

items on the schedule of that year? A. The schedule numbers; yes, sir.

Q. Suppose you needed an item not upon the schedule, how would you get it. A. By an extra requisition. Take one of the blank requisitions and make an extra requisition of it, and write the article out that we required on the face of it, and attach it to that.

Q. Attach it to the other requisition? A. Yes, sir; which went to the commissioners as well.

Q. And the commissioners would act on that? A. Yes, sir; the commissioners would act on that.

Q. Have you now any recollection of such extra requisitions sent by your institution? A. Yes, sir; I have been sending them for the past two years.

Q. Can you state generally what the articles generally were that you would send extra requisitions for? A. I couldn't say, sir; I would turn to the schedules and couldn't find what I wanted; and would put them on the requisition.

Q. Were they of any great consequence? A. Yes, sir; oh, yes, sir.

Q. Can you mention any of them? A. I can't just exactly; there would be various things, paints and stuffs of that sort, lumber, that they wouldn't have on the requisition — hardware and things of that kind; broom corn and material of that sort.

Q. Amounting to a large quantity? A. No, sir; not amounting to a great deal of money.

Q. Not a great deal of money? A. No, sir.

Q. Do you know whether that has occurred as much lately since Simis and Henry have been there as it occurred in the previous years under Gott, Nolan and Murphy? A. The same system prevails, only in a different way.

Q. I want to get the different way? A. Instead of making the extra requisition we put all our specials on the same sheet with the original requisition, you understand, and put an "S" in front of it.

Q. Which would mean "special?" A. Yes, sir; which would mean "special."

Q. And then the board would act on the entire requisition as a whole? A. Yes, sir.

Q. They would either strike out or leave on? A. Yes, sir; these commissioners insisted on our making an extra requisition for everything not on the schedules.

Q. These present commissioners? A. That was the cause of the extra requisition.

Q. What is the object of having the lines numbered on these requisitions? A. The articles?

Q. Yes, sir. A. That is their requisition number.

Q. No;—having the lines numbered? A. I don't know any particular reason for it.

Q. Don't you know that the object of having the lines numbered was to have but one item on a line so as to compare them with the items, so as to see how many items were on the requisition? A. Well, I would suppose that.

Q. And the object also was to prevent interlineations where there was no number? A. No, sir; I believe that is so.

Q. But that object was not accomplished by this requisition? A. Evidently not.

Q. Do you know whether the items of special requisitions was greater under the old administration than under the present? A. I do not; no, sir.

Q. Did your institution use any quantity of whiskey, do you know? A. Yes, sir; we used whiskey.

Q. And did you get that direct from the storekeeper or did you get it from the apothecary? A. We got it from the hospital.

Q. You got it from the hospital? A. Yes, sir.

Q. And from the apothecary in the hospital? A. Yes, sir.

Q. And did you get it in large quantities? A. That was drawn

by our druggist; it did not come through me at all; it was part of the drug requisition.

Q. And you wouldn't know anything about that? A. Nothing at all.

Q. It wouldn't come into your department? A. Not at all.

Q. But would come directly to the druggist? A. Yes, sir.

Q. And if any of it was required in the steward's department how would you get it? A. By requisition on the doctor.

Q. I suppose there was none ever required by the steward, Mr. Corboy? A. I can't say, sir; it is not the best grade, you know.

Q. Was there none furnished of the best grade at all that was fit for the steward? A. I don't think there was.

Q. Was there none in the steward's office for the commissioners' use when they called, Mr. Corboy? A. Not in my office; there was not.

Q. What is that? A. Not in my office; there was not any.

Q. Did you ever know of any emergency that necessitated four barrels of whiskey at a time? A. It never came under my jurisdiction at all, sir.

Q. Did your department ever ask the druggist for whiskey? A. The steward's office?

Q. Yes, sir. A. Not to my knowledge; I never did, I know.

Q. Or any other spirits? A. Yes, sir; we might ask them for four or five or six ounces of alcohol.

Q. But that is all, so far as you recollect? A. That is all.

Mr. Hirsh.—That is all Mr. Corboy.

Daniel C. Toal, having been recalled for further examination, testified as follows:

By Mr. Hirsh:

Q. Mr. Toal, since you have been examined here before have you examined the books of the firm of Tefft, Weller & Co. with reference to the purchases made by Henry Newman? A. I have.

Q. Will you kindly state to the committee their method of book-keeping as to the books it was necessary to examine before you could compare the item of Newman's contract with the books with Tefft, Weller & Co.'s books? A. Well, the first matter taken up was the invoice book at the storehouse at Flatbush, from which a copy was made of every bill submitted by Newman & Co. to the department of charities and corrections from August 1, 1891, to August 1, 1893; a copy was made of every one of those bills; that copy was taken to the office of Tefft, Weller & Co. and compared with their ledger.

Q. Now, did the ledger of Tefft, Weller & Co. contain the items? A. No, sir; it did not.

Q. Then you had to examine what? A. The sales books.

Q. The original sales books? A. The original sales books.

Q. Of the various days during the entire period? A. Yes, sir.

Q. Where were those sales books for those years? A. Down in the sub-cellar of Tefft, Weller & Co.'s building.

Q. And how many sales books a day have they got? A. I think between 12 and 15 sales books.

Q. Of every day during that period? A. Yes, sir.

Q. And who did you have to assist you in this investigation? A. I had Mr. Harry Koch, the head bookkeeper of the firm of Tefft, Weller & Co.

Q. And you went over that entire period? A. Yes, sir; we checked off every item.

Q. Did you make a summary of what the total amount of goods amounted to billed by Newman & Co. to the department of charities from August, 1890, to August, 1894? A. Yes, sir.

Q. And did you also make a total of the amount of goods purchased by Henry Newman & Co. from Tefft, Weller & Co.? A. Yes, sir.

Q. Will you kindly state both totals? A. Well, this summary covers another year, Mr. Hirsh; this is from August, 1890.

Q. August, 1890, to when? A. To August, 1894.

Q. Exactly; that is what I asked you. A. But my examination only covered from August, 1891.

Q. I ask you whether you made a summary of the amount purchased by Newman & Co. from Tefft, Weller & Co. from 1890 to 1894? A. Yes, sir.

Q. And the amount that he served, the amount of his contract with the department of charities during that time? A. Yes, sir.

Q. Now state the two amounts, please. A. The amount of goods purchased from Tefft, Weller & Co. from August, 1890, to August, 1894, by Newman & Co., according to Tefft, Weller & Co.'s ledgers, was \$73,251.71.

Q. And what was the amount— A. The amount of goods billed with the department of charities and corrections for the same period by Newman & Co. was \$152,194.27.

Q. Or a difference of how much? A. A difference of \$78,941.56.

Q. Did you also make a comparison between the actual deliveries and the amount required by requisitions in the various institutions by Newman & Co? A. No, sir.

Q. What were the comparisons you made? A. The comparison made was between the amounts billed the department of charities and corrections with the amounts purchased.

Q. The difference between the amounts billed by the contractors? A. Yes, sir.

Q. And the amount received? A. No, sir; the amounts billed by the contractor to the department and the amount purchased.

Q. By the contractor? A. Yes, sir.

Q. From the house from which he purchased these very articles? A. Yes, sir.

Q. And that referred particularly to Newman & Co.? A. Yes, sir.

Q. And the articles purchased by them on or about the same

dates that they were furnished to the department of charities and corrections? A. Yes, sir.

Q. Now, will you please state those figures and what they were?

A. Well, this statement here refers to the difference between the amounts called for on the requisitions and the amounts delivered by the storekeeper.

Q. That is the very question I asked you, Mr. Toal? A. Yes, sir.

Q. You have made that comparison. A. Yes, sir.

Q. State again what it is? A. It is between the amounts called for on the requisitions of these various institutions and the amounts delivered by the storekeepers to the various institutions.

Q. Showing excessive deliveries? A. Yes, sir; showing excessive delivery.

Q. Just state what those excesses were? A. On the almshouse requisition of October 13, 1891, a call is made for 25 dozen women's shawls at \$7.50 per dozen; 40 dozen are signed for, November 5, 1891, on the almshouse receipt book; almshouse requisition of December 8, 1891, calls for 1,000 yards of furniture check; 1,321 $\frac{3}{4}$ yards are signed for December 31, 1891, on the almshouse receipt book; almshouse requisition of December 15, 1891, calls for 1,000 yards of gray flannel; 1,129 $\frac{3}{4}$ yards are signed for on December 17, 1891, and 1,385 $\frac{1}{2}$ yards are signed for on December 31, 1891, on the almshouse receipt book; almshouse requisition of January 26, 1892, calls for 2,000 yards of cotton flannel; 2,460 $\frac{3}{4}$ yards are signed for January 30, 1892, on the almshouse receipt book; almshouse requisition of April 5, 1892, calls for 1,000 yards of Kentucky jeans; 569 $\frac{1}{2}$ yards are signed for April 1, 1892, and 936 $\frac{1}{2}$ yards are signed for on April 9, 1892, a total of 1,506 yards; almshouse requisition of October 4, 1892, calls for 2,000 yards of cotton flannel; 2,980 yards are signed for October 5, 1892, on the almshouse receipt book.

Q. As you get through with each sheet will you kindly tear them off and hand them to the sergeant-at-arms? A. Yes, sir; one

thousand yards of Kentucky jeans are called for on the same requisition, and $1,114\frac{3}{4}$ yards are signed for on the same date; 750 yards of red flannel are called for on the same requisition, and $922\frac{3}{4}$ yards are signed for on the same date; almshouse requisition of October 11, 1892, calls for 2,000 yards of cotton flannel, 2,086 yards are signed for October 15, 1892; almshouse requisition of November 29, 1892, calls for 1,000 yards of Kentucky jeans; $939\frac{1}{2}$ yards are signed for November 29, 1892, and $1,120\frac{1}{2}$ yards are signed for on December 6, 1892, a total of 2,060 yards; almshouse requisition of November 29, 1892, calls for 1,000 yards of furniture check; 1,754 yards are signed for December 7, 1892; almshouse requisition of December 27, 1892, calls for 20 dozen women's shawls at \$7.50 per dozen; the figures were altered on the requisition from "20" to "36," 36 dozen shawls were billed to the department on December 23, 1892, four days before the date of the requisition, and are signed for on the almshouse receipt book December 24, 1892, three days before the date of the requisition; almshouse requisition of January 31, 1893, calls for 1,000 yards of blue denims, $1,222\frac{1}{4}$ yards are signed for February 6, 1893; almshouse requisition of March 7, 1893, calls for 1,000 yards of Kentucky jeans; 1,106 yards are signed for on March 4, 1893; almshouse requisition of March 4, 1893, calls for 1,000 yards of cotton flannel; 1,840 yards are signed for on March 11, 1893, three days before date of the requisition.

Q. Is that the nearest requisition having that number of yards?

A. Yes, sir.

Q. You can find no other requisition having that number of yards there? A. No, sir; none at all.

Q. And you say that requisition is dated three days before? A. The goods are signed for three days before the date of the requisition; the requisition calls for 1,000 yards, and 1,840 yards are signed for three days before the requisition is dated.

Q. How do you explain that, Mr. Teal? A. Well, I should say

there were 1,840 yards in the storehouse and they were anxious to get rid of it, and in a hurry to let the contractor collect his money, and delivered it at the almshouse and instructed the steward to put 1,000 yards on his next requisition.

Q. And who was this contractor? A. Newman & Co.; almshouse requisition of April 11, 1893, calls for 2,000 yards of furniture check; 2,629½ yards are signed for on April 17, 1893; almshouse requisition of May 9, 1893, calls for 750 yards of Merrimac prints and 1,720 yards of furniture check are signed for on May 13, 1893; almshouse requisition of March 1, 1893, calls for 50 yards of table linen; 93¾ yards are signed for on March 4, 1893. (The witness here hands memorandum to counsel.)

Q. Go right ahead. Did you look at any of the prices paid for any of these articles by Mr. Newman, Mr. Toal? A. Yes, sir.

Q. You just read the item of fifty yards of table linen? A. Yes, sir.

Q. And 99¾ yards were delivered, almost double the amount requisitioned for? A. Yes, sir.

Q. Do you recollect the price that was paid for that by Mr. Newman? Just look at your memorandum again. A. The price paid Tefft, Weller & Co. for that table linen was 40 cents a yard.

Q. And how much did he get for it from the department of charities? A. Sixty-five cents a yard.

Q. A good reason, then, to double up on the amount delivered? A. Yes, sir; a very good sale; 50 dozen shawls, small 40x40, \$7.50 a dozen, are signed for on the asylum's receipt book, October 20, 1891; no call for those goods appears on any requisition during the fiscal year of 1891 and 1892; asylum requisition of August 5, 1891, calls for 2,000 yards of seersucker; 3,069 yards are signed for August 24, 1891; 1,368¼ yards are signed for September 12, 1891; no further call for the article in the mean time.

Q. That was also an article on which the profits were quite large, was it not. A. Yes, sir; 100 per cent., I guess.

Q. Yes? A. Asylum requisition, same date, calls for 1,000 yards of Atlantic sheeting; 1,170 yards are signed for August 8, 1891, and 1,294 yards are signed for August 20, 1891, and 250 yards are signed for August 27, 1891; asylum requisition of September 16, 1891, calls for 1,000 yards of Atlantic sheeting; 1,250 yards are signed for September 17, 1891; asylum requisition, same date, calls for 100 yards of kerseys; 1,030 $\frac{1}{4}$ yards are signed for September 17, and 362 $\frac{1}{2}$ yards are signed for September 24, 1891.

Q. That was also an item prolific of profits, Mr. Toal, as appears from the schedule? A. Yes, sir; asylum requisition of October 28, 1891, calls for 2,000 yards of print; 2,561 yards are signed for November 17, 1891; asylum requisition of November 11, 1891, calls for 100 yards of Valenciennes lace; 216 yards are signed for on November 17, 1891.

Q. What would they use Valenciennes lace for? A. I believe that it is used for trimming pillow cases in the asylum.

Q. Anything else? A. Asylum requisition of December 9, 1891, calls for 1,000 yards of indigo blue prints; 1,295 $\frac{1}{4}$ yards are signed for on December 12, 1891; asylum requisition of February 10, 1892, calls for 2,000 yards of Atlantic sheeting; 927 yards are signed for February 11, 1892, and 1,661 yards are signed for on March 5, 1892; asylum requisition of May 18, 1892, calls for 1,000 yards of indigo blue prints; 1,309 $\frac{1}{2}$ yards are signed for on May 20, 1892; 428 $\frac{3}{4}$ yards of rubber cloth at 45 cents a yard are signed for on the asylum receipt book, on July 14, 1892; can't find this item on any requisition.

Q. Do you know whether the profit on that rubber cloth was large? A. I think it was, although I haven't the figures; asylum requisition of August 31, 1892, calls for 1,000 yards of indigo blue prints; 1,173 $\frac{3}{4}$ yards are signed for on September 8, 1892; asylum requisition of October 12, 1892, calls for 2,000 yards of Canton flan-

nel; 2,370 yards are signed for on October 14, 1892; same requisition calls for 1,000 yards of indigo blue prints; 1,135 yards are signed for on October 18, 1892; asylum requisition of September 28, 1892, calls for 1,000 yards of bed ticking; 992 yards are signed for on October 7, 1892; requisition of October 5, 1892, calls for 2,000 yards more; 2,295 yards are signed for on October 19, 1892; asylum requisition of October 12, 1892, calls for 1,000 yards of kersey; $583\frac{1}{2}$ yards are signed for on October 14, 1892; $111\frac{3}{4}$ yards are signed for on October 17, 1892, and $1,007\frac{1}{4}$ yards are signed for on October 25, 1892; asylum requisition of November 16, 1892, calls for 1,000 yards of toweling; 1,500 yards are signed for on November 21, 1892; asylum requisition of November 30, 1892, calls for 2,000 yards of Canton flannel; 2,401 yards are signed for on December 6, 1892; 1,152 yards of bed ticking are called for on asylum receipt book of December 6, 1892; no call for this article on any requisition.

Q. How do you explain that, Mr. Toal? A. Well, I couldn't tell exactly what the reason of it is, except it may have been something the same case as the material for the almshouse referred to a little while ago, that they may have had a supply on hand and anxious to get rid of it.

Q. That the contractor had it on hand? A. That the contractor had it on hand and delivered it to the department in advance of any demand or necessity, and then had it delivered at the buildings at the asylum with the expectation of having it put on a requisition subsequent to its delivery, and that they may have omitted that part of it.

Q. There is no question about it but that the county paid for it?

A. Not at all; there is no question about that because the bill shows.

Q. Mr. Corboy testified that to his knowledge there was a very trifling difference between the amount requisitioned for and the amount delivered? A. Yes, sir.

Q. It does not appear so from your comparison, does it? A. Does he mean that the deliveries were less than the requisitions?

Q. No; he says that the deliveries, so far as he can say, were about the same as the requisitions. A. It is possible that he speaks from memory only; this is the result of an examination of the records.

Q. I so understand you. A. Asylum requisition of December 14, 1892, calls for 100 yards of table linen, and 200 yards of the same article—one is line 255 and the other is line 256 of the schedule; 125 yards of the former, purchase-price 30 cents, contract-price 50 cents; and 336 yards of the latter, purchase-price 40 cents, contract-price 60 cents, are signed for on December 19, 1892.

Q. When you speak of purchase-price you mean the amount paid by Newman, and the contract-price, the amount received by him from the county? A. Yes, sir.

Q. Good prices those? A. Yes, sir; very good.

Q. Is it not a fact, Mr. Toal, that from your examination it appears that the articles which show the greater profit were always ordered in excess? A. That is what the records show; asylum requisition of December 28, 1892, calls for 2,000 yards of indigo blue prints; 2,377 $\frac{3}{4}$ yards are signed for on January 6, 1893; 1,610 $\frac{3}{4}$ yards of seersucker were signed for on asylum receipt book January 4, 1893; no call for this on any requisition at about that time; that is another item similar to the bed ticking; asylum requisition of January 4, 1893, calls for 200 yards of marbleized oilcloth; 300 yards are signed for on January 12, 1893.

Q. That was also a very profitable article, was it not? A. Yes, sir, very; asylum requisition of January 25, 1893, calls for 200 yards of cretonne and 500 yards of grey flannel; 1,315 yards of the former and 1,264 yards of the latter, are signed for on February 1, 1893.

Q. A difference of how many? A. The requisition called for 200 yards of cretonne and 1,315 were signed for.

Q. A difference of 1,115 in one item. A. Yes, sir; and 500 yards.

of grey flannel the requisition calls for, and 1,264 yards were signed for.

Q. A difference of 764 yards? A. Yes, sir.

Q. It could hardly be said in those cases that the prices could not be broken? A. No, sir; not such excessive deliveries as that; 1,171 yards of indigo blue prints were signed for on asylum receipt book February 7, 1893; no call for this article on any requisition; asylum requisition of April 12, 1893, calls for 2,000 yards of Boston sheeting; 1,185 yards are signed for on April 21, 1893, and $1,214\frac{3}{4}$ yards are signed for on May 1, 1893; asylum requisition of June 1, 1893, calls for 250 yards of marbleized oilcloth; 300 yards are signed for on June 8, 1893; asylum requisition of June 13, 1893, calls for 1,000 yards of bed ticking; 835 yards are signed for June 13, 1893, and $1,032\frac{1}{4}$ yards are signed for June 20, 1893, and 1,672 yards are signed for on June 23, 1893; if you will refer to the asylum receipt book—

Q. What date? A. June 23, 1893, 1,672 yards of bed ticking.

Q. Here is the receipt book; you had better look at it. A. The figure “6” in the last number, “1,672,” seems to have been written over another figure.

Q. It seems to be written over the figure “2?” A. That’s what I thought it was.

Mr. Hirsh.—I will offer this receipt in evidence and have it marked. It is the receipt that is marked June 23d, asylum.

(The receipt referred to was here marked by the stenographer Exhibit No. 30 of this date.)

A. I made a memorandum of that because the delivery of that quantity signed for was so much in excess of the quantity called for.

Q. What was the excess? A. The call was for 2,000 yards.

Q. And how many were signed for? A. 835 yards were signed for on June 13th, $1,032\frac{1}{4}$ yards were signed for on June 20th, and 1,672 yards were signed for on June 23d.

Q. And what was the article? A. Bed ticking.

Q. And that was all for one institution? A. All for the asylum; requisition of some date calls for 500 yards of rubber cloth; 584 $\frac{1}{4}$ yards are signed for on June 30, 1893; asylum requisition of July 12, 1893, calls for 1,000 yards of toweling; 1,250 yards are signed for on July 17, 1893; asylum requisition of July 18th calls for 500 yards of Kentucky jeans; 1,137 $\frac{1}{2}$ yards are signed for on July 22, 1893; asylum requisition of May 24, 1893, calls for 500 yards of seersucker; this item does not appear on asylum receipt book after that date, until July 20, 1893; on receipt book of that date 823 $\frac{1}{4}$ yards are entered; the figures are changed to 411 $\frac{1}{4}$ yards.

Q. The receipt book of what date? A. July 20, 1893; that is the same book that I had before.

Q. What is the article? A. Seersucker, I think—the receipt of July 20, 1893.

Q. Oh, yes; that seems to be crossed out and changed. A. Yes, sir; it is checked off and crossed out—changed from 823 $\frac{1}{4}$ to 411 $\frac{1}{4}$.

A. That is just about half the quantity; my memorandum of that is “requisition of May 24, 1893, calls for 500 yards of seersucker; this item does not appear on asylum receipt book after that date until July 20, 1893; on receipt of that date 823 $\frac{1}{4}$ yards are entered; figures changed to 411 $\frac{1}{4}$, and then the item has a pencil mark drawn through it; on receipt of July 27, 1893, 1,575 $\frac{3}{4}$ yards are signed for; no further call for the article after May 24th.”

Mr. Hirsh.—I will put both of those in evidence.

(The receipt of July 20th referred to by counsel was here marked by the stenographer Exhibit No. 31 of this date; the receipt of July 27th, referred to was marked by the stenographer Exhibit No. 32 of this date.)

A. Asylum requisition of September 6, 1893, calls for 1,000 yards of canton flannel; 1,462 $\frac{1}{2}$ yards are signed for on September 12, 1893; requisition of same date calls for 1,000 pounds of curled hair; 1,280 pounds are signed for on September 16, 1893.

Q. You, of course, as former secretary of the department, and with the knowledge that you have of the wording of the schedules, know that it was a part of the specifications that all dry goods, etc., were to be of the kind and quality specified in the schedules; you know that was a part of the specifications? A. Yes, sir.

Q. And that where articles were called for by sample, the delivery of the same must be fully equal in all respects to the sample; other articles not specified by name or trade mark must be of good quality and a fair merchantable article; you know that is the language of the specifications? A. Yes, sir.

Q. Now, have you compared the articles billed by Mr. Newman with the articles, and the name called for by the schedules? A. Yes, sir.

Q. And can you tell by such comparison what the difference was, whether he absolutely delivered what was called for by the schedules or not? A. Well, I give that information from an examination of Tefft, Weller & Co.'s sales book.

Q. Where he bought the articles? A. Yes, sir; where he bought the articles.

Q. Will you please state what he purchased and delivered to the department, and what the schedules actually called for? A. I want to say, preparatory to answering this question, that during my time in the department, under Mr. Hicks, the storekeeper, the rule was very stringent regarding the delivery of goods as called for and as specified in the schedule, and that they were never received—no goods were ever received excepting they corresponded with the specifications.

Q. Unless an article was out of the market, and then what did you do? A. If an article was out of the market the rule was to purchase something that was guaranteed to be equal to it, and that was only done after receiving the advice and suggestion of some disinterested party in the dry goods trade; Mr. John W. Harmon, who

I mentioned before, was generally appealed to by Mr. Hicks. This statement shows the variations from schedules in articles furnished by Newman in the fiscal year of 1891 and 1892. (The witness here produces a statement):

Bill of August 12, 1891, he delivered 2,000 yards of Shaw's crash instead of Steven's toweling.

Bill of August 14, 1891, $923\frac{3}{4}$ yards of Kentucky jeans, standard, instead of Humboldt's doeskin.

Bill of September 8, 1891, $184\frac{1}{4}$ yards of denims, Arizona, instead of Otis AXA.

Bill of September 17, 1891, 250 yards of Shaw's crash, instead of Stevens' toweling.

Bill of December 17, 1891, $498\frac{1}{4}$ yards of gingham, Caledonia, instead of Amoskeag staples.

Bill of September 17, 1891, 5,048 yards of sheeting, Littleton, instead of Atlantic A.

Bill of September 26, 1891, 1,177 yards of denims, nameless, instead of Otis AXA.

Bill of September 26, 1891, 500 yards of toweling, Shaw's crash, instead of Stevens' toweling.

Bill of September 26, 1891, $362\frac{1}{4}$ yards of kersey, Great Lake or Great Lock, instead of W. J. Dickey & Son.

Bill of September 26, 1891, 40 dozen shawls, No. 49, instead of Peacedale.

Bill of October 17, 1891, $419\frac{1}{4}$ yards of muslin, homespun, instead of Fruit of the Loom. This item was billed to the department as Fruit of the Loom, although he did not deliver it.

Bill of October 17, 1891, one dozen shawls, nameless, instead of Manitoba.

Bill of October 15, 1891, $515\frac{1}{4}$ yards of muslin, homespun, instead of Fruit of the Loom; billed as Fruit of the Loom.

Q. That is billed by Newman to the department? A. Billed by

Newman to the department; at lest, that is the reading of the duplicate on file at the storehouse, which is supposed to be an exact copy of the original bill.

Bill of October 9, 1891, cotton flannel, $2,042\frac{3}{4}$ yards, Royal Standard, instead of Amoskeag AA.

Bill of October 21, 1891, 500 yards of toweling, Shaw's crash, instead of Stevens' toweling.

Bill of October 21, 1891, 1,394 yards of cotton flannel, Royal Standard, instead of Amoskeag AA.

Bill of October 26, 1891, 1,000 yards of Shaw's cash, instead of Stevens' toweling.

Bill of November 6, 1891, $1,004\frac{3}{4}$ yards of cotton flannel, Royal Standard, instead of Amoskeag AA.

Bill of November 6, 1891, $195\frac{3}{4}$ yards of gingham, Monogram, instead of Amoskeag staples.

Bill of November 6, 1891, 1,000 yards of toweling, Shaw's crash, instead of Stevens' toweling.

Bill of October 5, 1891, $406\frac{1}{2}$ yards of Kentucky jeans, nameless, instead of W. J. Dickey & Son.

Bill of November 11, 1891, $1,053\frac{1}{4}$ yards of denims, nameless, instead of Otis AXA.

Bill of November 28, 1891, 500 yards of toweling, Shaw's crash, instead of Stevens' toweling.

Bill of November 28, 1891, 1,063 yards of cotton flannel, Royal Standard, instead of Amoskeag AA.

Bill of December 9, 1891, 521 yards of cotton flannel, Royal Standard, instead of Amoskeag AA.

Bill of December 26, 1891, $828\frac{1}{2}$ yards of Kentucky Jeans, nameless, instead of Humboldt's doeskin.

Bill of December 26, 1891, 1,126 yards of indigo blue prints, Arnold's, instead of American.

Bill of January 2, 1892, 1,187 yards of cotton flannel, Royal Standard, instead of Amoskeag AA.

Bill of January 2, 1892, 1,073 $\frac{3}{4}$ yards of denims, Uncasville, instead of Otis AXA.

Bill of January 15, 1892, 1,059 $\frac{1}{2}$ yards of cotton flannel, Royal Standard, instead of Amoskeag AA.

Bill of January 15, 1892, 534 yards of sheeting, 6x4, Lockwood, instead of Boston Manufacturing Company.

Bill of January 30, 1892, 1,521 $\frac{1}{4}$ yards of denims, nameless, instead of Otis AXA.

Bill of January 30, 1892, 2,406 $\frac{3}{4}$ yards of cotton flannel, Royal Standard, instead of Amoskeag AA.

Bill of January 30, 1892, 80 yards of toweling, nameless, instead of Stevens' toweling.

Bill of February 1, 1892, 1,096 $\frac{3}{4}$ yards of cotton flannel, Royal Standard, instead of Amoskeag AA.

Bill of February 6, 1892, 1,034 yards of muslin, homespun, instead of Atlantic A.

Bill of February 20, 1892, 519 $\frac{3}{4}$ yards of muslin, homespun, instead of Atlantic A.

Bill of February 13, 1892, 803 yards of Kentucky jeans, nameless, instead of Humboldt's doeskin.

Bill of February 13, 1892, 1,000 yards of toweling, brown crash, P, instead of Stevens' toweling.

Bill of March 1, 1892, Kentucky jeans, 214 $\frac{1}{4}$ yards, nameless, instead of Humboldt's doeskin.

Bill of March 1, 1892, 1,027 $\frac{3}{4}$ yards of cotton flannel, Royal Standard, instead of Amoskeag AA.

Bill of March 3, 1892, 1,033 $\frac{3}{4}$ yards of denims, Uncasville, instead of Otis AXA.

Bill of March 23, 1892, 518 $\frac{1}{2}$ yards of kersey, Great Lake or Great Lock, instead of W. J. Dickey & Son.

Bill of March 14, 1892, 1,096 $\frac{1}{2}$ yards of sheeting, 6-4, Lockwood, instead of Boston Manufacturing Company.

Bill of March 26, 1892, 544 $\frac{1}{4}$ yards of denims nameless instead of Otis AXA.

Bill of April 1, 1892, 1,058 $\frac{1}{2}$ yards of denims nameless instead of Otis AXA.

319 $\frac{1}{4}$ yards of muslin, homespun instead of Fruit of the Loom.

569 $\frac{1}{2}$ yards of Kentucky jeans, nameless, instead of Humboldt's doeskin.

Bill of April 23, 1892, 1,736 yards of Kentucky jeans, nameless, instead of Humboldt's doeskin.

Bill of May 11, 1892, 210 $\frac{1}{4}$ yards of muslin nameless instead of Utica

216 $\frac{3}{4}$ yards of indigo prints Arnold's long cloth instead of American.

541 $\frac{1}{2}$ yards of white kersey, called prison cloth.

Bill of May 17, 1892, 275 yards of Shaw's crash instead of Steven's toweling.

1,014 $\frac{1}{4}$ yards of cotton flannel, Royal standard, instead of Amoskeag AA.

Bill of May, 1892, 538 yards of white kersey, called prison cloth.

625 yards of Shaw's crash instead of Steven's toweling.

Bill of June 11, 1892, 2,034 $\frac{1}{2}$ yards of ticking, of which 909 yards were Amoskeag and 1,125 $\frac{1}{2}$ yards nameless; all should have been superior Pearl River.

Bill of June 4, 1892, 534 $\frac{3}{4}$ yards of denims, nameless, instead of Otis AXA.

564 $\frac{1}{4}$ yards of muslin for bandages, central brown instead of Utica C.

Bill of June 20, 1892, 1,284 $\frac{3}{4}$ yards of denims, nameless, instead of Otis AXA.

612 $\frac{1}{4}$ yards of muslin, homespun instead of Fruit of the Loom—specified as Fruit of the Loom on the bill.

Bill of June 15, 1892, $223\frac{3}{4}$ yards of muslin for bandages, central brown instead of Utica C.

Bill of July 2, 1892, $879\frac{3}{4}$ yards of white kerseys, called white jeans on the bill.

Bill of June 29, 1892, 500 yards of toweling, Shaw's crash instead of Steven's toweling.

$505\frac{1}{4}$ yards of muslin, homespun instead of Fruit of the Loom.

Fiscal year of 1892 and 1893: Bill of August 8, 1892, 489 yards of gingham, Monogram instead of Amoskeag Staple.

$1,087\frac{1}{2}$ yards of 6-4 sheeting, Lockwood instead of Boston Manufacturing Company.

$1,042\frac{3}{4}$ yards of cotton flannel, Royal Standard instead of Amoskeag AA.

1,000 yards of toweling, Shaw's crash instead of Steven's toweling.

Bill of August 5, 1892, $1,090\frac{1}{4}$ yards of denims, BB instead of Otis AXA.

$532\frac{1}{2}$ yards of jeans, nameless instead of Humboldt's doeskins.

Bill of August 16, 1892, 1,233 yards of cotton flannel, Royal Standard instead of Amoskeag AA.

Bill of August 22, 1892, $547\frac{3}{4}$ yards of cotton flannel, Royal Standard instead of Amoskeag AA.

$287\frac{3}{4}$ yards of gingham, Monogram instead of Amoskeag Staples.

Bill of September 6, 1892, toweling, 750 yards Shaw's crash instead of Steven's toweling.

Bill of September 10, 1892, $1,046\frac{1}{4}$ yards of 6-4 sheeting, Lockwood instead of Boston Manufacturing Company.

Bill of September 19, 1892, $1,041\frac{3}{4}$ yards of cotton flannel, Royal Standard instead of Amoskeag AA.

$1,069\frac{1}{2}$ yards of denims, BB instead of Amoskeag Staples

Bill of September 24, 1892, $1,026\frac{1}{4}$ yards of 6-4 sheeting, Lockwood instead of Boston Manufacturing Company.

$1,009\frac{3}{4}$ yards of kersey, Great Lake or Great Lock instead of W. J. Dickey & Son.

787 yards of muslin for bandages, Scotia instead of Utica C.

Bill of October 6, 1892, $1,114\frac{3}{4}$ yards of jeans, nameless instead of Humboldt's doeskins.

2,320 yards of cotton flannel, royal standard, instead of Amoskeag AA.

Bill of October 10, 1892, $316\frac{3}{4}$ yards of kersey, great lake or great lock instead of W. J. Dickey & Son.

Bill of October 23, 1892, $1,007\frac{1}{4}$ yards of kersey, Great Lake or Great Lock instead of W. J. Dickey & Son.

Bill of October 26, 1892, toweling, 875 yards, Shaw's crash instead of Steven's toweling.

$1,039\frac{1}{4}$ yards of denims, nameless instead of Otis AXA.

Bill of October 17, 1892, $583\frac{1}{2}$ yards of kersey, Great Lake or Great Lock instead of W. J. Dickey & Son.

Bill of October 22, 1892, 3,391 yards of sheeting, American Flag instead of Atlantic A.

Bill of October 19, 1892, $251\frac{1}{4}$ yards of 5-4 muslin, New York Mills instead of Utica.

Bill of November 7, 1892, 1,237 yards of cotton flannel, Royal Standard instead of Amoskeag AA.

Bill of November 14, 1892, $536\frac{1}{2}$ yards of gingham, onogram instead of Amoskeag Staples.

$575\frac{1}{2}$ yards of denims, BB instead of Itis AXA.

Bill of November 19, 1892, $228\frac{1}{2}$ yards of cretonne, Cocheoco instead of Merrimac.

2,000 yards of toweling, Shaw's crash instead of Steven's toweling.

$552\frac{1}{4}$ yards of denims, BB instead of Otis AXA.

Bill of November 30, 1892, $939\frac{1}{2}$ yards of jeans, nameless instead of Humboldt's doskin.

1,052 yards of 6-4 sheeting, nameless instead of Boston Manufacturing Company.

Bill of December 7, 1892, 2,401 yards of cotton flannel, Royal Standard instead of Amoskeag AA.

Bill of December 5, 1892, $1,120\frac{1}{2}$ yards of jeans, nameless instead of W. J. Dickey & Son.

Bill of December 27, 1892, 375 yards of toweling, Shaw's crash instead of Steven's toweling.

$538\frac{1}{2}$ yards of cotton flannel, Royal Standard instead of Amoskeag AA.

Bill of December 28, 1892, 1,870 yards of muslin, homespun instead of Fruit of the Loom.

Bill of December 21, 1892, 1,848 $\frac{1}{2}$ yards of cotton flannel, nameless instead of Amoskeag A.A.

Bill of January 16, 1893, 1,028 yards of denims, Arizona instead of Otis AXA.

Bill of February 7, 1893, 1,222 $\frac{1}{4}$ yards of denims, Arizona instead of Otis AXA.

Bill of February 21, 1893, 235 $\frac{1}{4}$ yards of gingham, York, instead of Amoskeag staples.

Bill of March 1, 1893, sheeting, 4,026 yards, Darlington instead of Atlantic A.

Bill of March 6, 1893, toweling, 1,000 yards, Shaw's crash instead of Steven's toweling; 1,106 yards of jeans, nameless instead of Humboldt's doeskin; 812 $\frac{1}{4}$ yards of denims, Arizona instead of Otis AXA.

Bill of March 20, 1893, 558 $\frac{1}{2}$ yards of denims, Arizona instead of Otis AXA; 490 $\frac{1}{4}$ yards of sheeting, Allendale instead of Boston Manufacturing Company.

Bill of March 28, 1893, 1,041 yards of jeans, nameless instead of Humboldt's doeskin.

Bill of April 3, 1893, 4,014 yards of sheeting, Darlington instead of Atlantic A; 542 $\frac{3}{4}$ yards of 5-4 muslin, Perkins, instead of Utica.

Bill of April 15, 1893, 1,048 $\frac{1}{2}$ yards of denims, Arizona instead of Otis AXA.

Bill of April 26, 1893, 1,116 $\frac{1}{2}$ yards of muslin, Windom, instead of Utica C; 517 yards of denims, Arizona instead of Otis AXA.

Bill of May 3, 1893, 3,968 yards of 6-4 sheeting, Allendale instead of Boston Manufacturing Company.

Bill of May 6, 1893, 1,052 $\frac{3}{4}$ yards of denims, Arizona instead of Otis AXA.

Bill of May 20, 1893, 553 $\frac{3}{4}$ yards of muslin, Great Falls instead of Utica C; 4,012 yards of sheeting, Darlington instead of Atlantic A.

Bill of June 1, 1893, 243 yards of gingham, Monogram instead of Amoskeag staples; 595 $\frac{1}{4}$ yards of denims, Arizona instead of Otis AXA; 575 yards of 6-4 sheeting, Allendale instead of Boston Manufacturing Company.

Bill of July 15, 1893, $315\frac{1}{2}$ yards of muslin, Success instead of Fruit of the Loom.

Bill of June 23, 1893, $369\frac{1}{2}$ yards of pillow-case muslin, nameless instead of Utica; $1,783\frac{1}{2}$ yards of 6-4 sheeting, Allendale instead of Boston Manufacturing Company.

Bill of July 20, 1893, $780\frac{3}{4}$ yards of muslin, Scotia instead of Fruit of the Loom; 1,250 yards of toweling, Shaw's crash instead of Stevens' toweling.

Bill of July 22, 1893, 682 yards of muslin, Highland instead of Fruit of the Loom; $1,137\frac{1}{2}$ yards of Kentucky jeans, nameless instead of Humboldt's doeskin.

Fiscal year of 1893 and 1894, from August 1st to January 1st:
Bill of July 29, 1893, 1,130 yards of 6-4 sheeting, Peperill and Allendale instead of Boston Manufacturing Company.

Bill of August 10, 1893, $839\frac{3}{4}$ yards of denims, Arizona instead of Otis AXA.

Bill of August 16, 1893, $249\frac{3}{4}$ yards of denims, Arizona instead of Otis AXA.

Bill of August 30, 1893, toweling, 500 yards, Shaw's crash instead of Stevens' toweling.

Bill of August 23, 1893, $1,009\frac{1}{4}$ yards of Kersey, nameless instead of W. J. Dickey & Son.

Bill of September 9, 1893, 5,997 yards of sheeting, Newbury or Newburg instead of Atlantic A.

Bill of September 6, 1893, $2,058\frac{1}{4}$ yards of 6-4 sheeting, Lockwood instead of Boston Manufacturing Company.

Bill of September 12, 1893, 877 yards of 6-4 sheeting, Lockwood instead of Boston Manufacturing Company.

Bill of October 9, 1893, $1,043\frac{3}{4}$ yards of Kentucky jeans, nameless instead of Humboldt's doeskin.

Bill of October 28, 1893, toweling, 1,600 yards, Shaw's crash instead of Stevens' toweling.

Bill of October 21, 1893, toweling, 1,000 yards, Shaw's crash instead of Stevens' toweling.

Bill of November 18, 1893, $360\frac{1}{4}$ yards of kersey, nameless instead of W. J. Dickey & Son.

Bill of November 15, 1893, 1,017 $\frac{3}{4}$ yards of 6-4 sheeting, Allendale instead of Boston Manufacturing Company, charged on bill to department of charities and corrections as Boston; 170 $\frac{1}{2}$ yards of kersey, nameless instead of W. J. Dickey & Son; bill of November 27, 1893, 914 $\frac{3}{4}$ yards of jeans, Kentucky instead of Humboldt's doeskin.

Bill of December 20, 1893, 1,147 $\frac{1}{4}$ yards of jeans, Kentucky instead of Humboldt's doeskin.

One thousand one hundred and ninety-one yards of cotton flannel, Royal Standard instead of Amoskeag AA.

Bill of December 23, 1893, 836 yards of 6-4 sheeting, Lockwood instead of Boston Manufacturing Company.

Q. Now, Mr. Toal, do you know whether the articles that were actually delivered instead of the articles called for were of a cheaper kind than those called for. A. My impression is that they were.

Q. You made inquiry with reference to that? A. Yes, sir; I would like to add that in my examination of the books of Tefft, Weller & Co., and these records from August 1, 1891, to January 1, 1892, that there were a number of items on those schedules—the schedules for those years—not one yard of which was ever delivered; Stevens' toweling—the records show that there was never a yard of it delivered; W. J. Dickey & Son's kersey—not a yard of that.

Q. Those are standard brands? A. Yes, sir; and Otis AXA denims—there is no record of that being delivered. (The witness produces another statement.)

Q. What have you now, Mr. Toal? These sheets that I have here are copies of all bills rendered by Newman to the department for the fiscal years of 1891 and 1892, and 1892 and 1893.

Q. Have you compared them with the purchases made by him from Tefft, Weller & Co.? A. Some of them.

Q. And the prices paid by him? A. Yes, sir.

Q. Will you please, so far as your comparison has gone, state the difference, and the prices that he got? A. Well, the toweling, of which large quantities were sold, he paid 8 cents a yard for, and received 11; kerseys, the Great Lake or Great Lock brand, which

he furnished instead of W. J. Dickey & Sons, he paid $32\frac{1}{2}$ cents a yard for it, and received 46 cents.

By Mr. Cole:

Q. What was that W. J. Dickey & Co. kersey worth at that time?

A. I couldn't tell you.

By Mr. Hirsh:

Q. He was to furnish W. J. Dickey & Son's? A. Yes, sir; W. J. Dickey & Son's is a standard brand of cloth, and has been in use in the department for many years.

Q. And probably would have cost him fully as much as what he got from the department—46 cents? A. Well, perhaps so; very near that.

Q. And yet he purchased an inferior kind and got 46 cents from the department? A. Yes, sir.

Q. Go ahead. A. The bandage muslin of the Scotia brand, which he furnished instead of the Utica, he paid $3\frac{3}{4}$ cents a yard for, and received 6 cents; the nameless denims—that is an article without any brand at all; that is what they call it when they enter it on their sales; where there is a brand it is always entered, and where there is no brand it is called nameless; the nameless brand he paid $9\frac{1}{2}$ cents a yard for and received 14 cents—that is, $9\frac{1}{2}$ cents gross without the discount; there was a discount besides.

Q. What kind of denims were called for? A. Otis AXA, of which he did not furnish a yard, according to the records.

Q. And that is a standard brand? A. Yes, sir; the BB denims he paid $9\frac{1}{2}$ cents a yard for, and received 14 cents.

Q. What was that? A. The BB brand of denims, the jeans—nameless jeans—furnished instead of Humboldt's doeskin, were standard brands, of which he did not furnish a yard; he paid 25 cents a yard with the usual discount, and received 35 cents; another kind of bandage he paid $4\frac{1}{2}$ cents a yard for and received 6 cents.

Q. And thousands of yards of all these items were furnished, were they not, Mr. Toal? A. Yes, sir; the sheeting for which he received 10 cents a yard from the county he paid $6\frac{3}{4}$ cents for; the

nameless canton flannel, of which many thousands of yards were billed, he received 15 cents a yard for and paid 10 cents.

Q. A profit of 50 per cent. on flannel is much more than the ordinary dry goods merchant makes on matters of that kind. A. Yes, sir; so far as I know; the table linen he paid 30 cents a yard for and received 50 cents; the Arizona denims he paid $9\frac{1}{4}$ cents for and received 14 cents; the Allendale sheeting he paid 11 cents a yard for and received $15\frac{1}{2}$ cents; the Darlington sheeting he paid $6\frac{1}{2}$ cents a yard for and received 10; another brand of table linen he paid for cents a yard for and received 65 cents.

Q. A profit of 25 cents a yard? A. Yes, sir; 25 cents a yard; the Great Falls brand of muslin he paid $4\frac{3}{8}$ cents a yard for and received 6 cents; and the inferior quality of table linen he paid 30 cents a yard for and received 50 cents; the Allendale 6-4 sheeting he paid $12\frac{1}{2}$ cents a yard for and received $15\frac{1}{2}$ cents; the Highland brand of muslin he paid $4\frac{1}{4}$ cents for and received 6 cents; another nameless brand of Kentucky jeans he paid $22\frac{1}{2}$ cents a yard for and received 35 cents; the Pepperill sheeting he paid $12\frac{1}{2}$ cents a yard for, less 10 per cent., and received $15\frac{1}{2}$ cents; another nameless brand of kersey he paid $32\frac{1}{2}$ cents a yard for and received 46 cents; two other items of table linen he paid $37\frac{1}{2}$ cents a yard for and received 65 cents; I think that's about all.

Q. Is it possible, with your knowledge of the department, Mr. Toal, that these charges could have been made—that is to say, different character of goods could have been sent to the storehouse without the storekeeper knowing that? A. Decidedly not.

Q. And if the storekeeper knew his business he would also know not only that they were of different brands, but of different quality and an inferior priced article? A. Yes, sir.

Mr. Hirsh.—That is all. We will adjourn until to-morrow morning, I suppose?

Mr. Schulz.—The committee, prior to adjourning, will go into executive session. We would like to have the counsel remain.

(The committee then went into executive session, the following members, together with Counsellor Hirsh, being present, Messrs. Schulz, Whittet, Keenholts and Cole.)

The following resolutions were adopted:

Whereas, The testimony taken by this committee is very voluminous, covering a large number of its transactions, and legal questions have arisen thereon, and also because some of the members of this committee have been unable at times to attend to hear the testimony; therefore, be it

Resolved, That a full meeting of the Committee on Affairs of Cities investigating the Department of Charities and Corrections of Kings County be called at the close of the said investigation, and that the counsel to this committee be requested to present his views on the evidence submitted as to the law and facts arising from said evidence; and, be it further

Resolved, That the said meeting be held in the City of Brooklyn upon a date to be agreed upon by the chairman of this committee and said counsel.)

The committee here adjourned until Tuesday morning, September 24, 1895, at 10 o'clock.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON AFFAIRS OF CITIES, AT A MEETING HELD TUESDAY MORNING, SEPTEMBER 24, 1895, AT THE COURT HOUSE, BROOKLYN, N. Y.

Present.— Messrs. Schulz, Whittet and Cole.

Mr. Hugo Hirsh, of counsel.

Patrick McCanna, being called as a witness (and duly sworn by Chairman Schulz, testified as follows:

Examined by Mr. Hirsh:

Q. You are chief engineer of the Department of Charities and Correction of this county? A. Yes, sir.

Q. And you have been such engineer for how long? A. About 26 years.

Q. When were you first appointed? A. In 1864.

Q. And you remained there for how long? A. Twenty years and 20 days.

Q. Removed or discharged when? A. Removed in 1882.

Q. Who was appointed in your place? A. A man named John Shaw.

Q. And you were out of that position then for how long? A. Five or six years; five years, I believe.

Q. And was again reinstated when? A. In 1890.

Q. By the commissioners, Gott, Nolan and Murphy? A. Yes,

Q. During the five years that you were not in the department what were you employed at? A. I was connected with the taxes of the town of Flatbush for three years.

Q. You are a practical engineer, are you, Mr. McCanna? A. Yes.

Q. Passed your examination as such? A. Yes, sir.

Q. Received your certificate as such? A. Yes, sir.

Q. And have been such practical engineer for very many years? A. Yes.

Q. Since the 1st day of July, 1895, have your duties been in any wise curtailed? A. They have; yes, sir.

Q. To what extent, and by whom? A. By the present commissioners.

Q. Well, in what way have they been curtailed? A. Well, they hired a man, a bricklayer, in the penitentiary, who is doing my work, a man named Devlin.

Q. You mean that Devlin has done the duties which devolved upon you? A. Yes; which the Legislature delegated on to me.

Q. Now, was Devlin under your orders? A. Yes, sir.

Q. He was under your orders? A. Mostly under the commissioners' orders.

Q. Well, did he act under your instructions? A. Yes, sir.

Q. Did he also act under the warden's orders? A. I couldn't tell you that; I don't know.

Q. Was he an engineer at all? A. No, sir.

Q. Was he a fireman? A. No, sir.

Q. He was simply a bricklayer? A. Yes, sir.

Q. What did he do? A. Well, he laid some bricks sometimes, and sometimes looked at the prisoners lay bricks.

Q. You stated that he did a part of your work? A. Yes, sir.

Q. What did he do, so far as that part of it was concerned? A. He had steam kettles erected there.

Q. He did? A. Yes, sir.

Q. How do you know he did? A. Well, he superintended the work of it.

Q. Did you see him? A. I saw him in there, yes.

Q. In 1893 you had an act passed with reference to your position, didn't you, Mr. McCanna, an act of the Legislature? A. Well, the Legislature passed an act.

Q. Well, I know, but it was passed at your request? A. Well, I didn't stop it; no.

Q. What is that? A. I was in favor of it, yes.

Q. But it was practically for your benefit; nobody else benefited but yourself? A. That is right.

Q. That act is known as chapter 129 of the Laws of 1893? A. Yes, sir.

Q. Have you a copy of that act in your pocket? A. I think I have. (Witness produces copy of the act.)

Q. By this act the duty of the chief engineer is set forth at length?

Q. And it says, "It shall be the duty of the chief engineer to exercise a general supervision of the different heating apparatus, engines, boilers and all machinery in the several institutions and buildings under the care of said commissioners of charities or which may come under their control and to examine into the conditions of such apparatus and machinery and the need and character of repairs and additions to be made thereto from time to time; to prepare all specifications therefor and superintend the execution of any work that may be required thereunder," in addition to the discharge of the duties now devolved upon him. Now, you say they took that away from you? A. Yes, sir.

Q. And gave it to a bricklayer? A. Yes, sir.

Q. Who did that? A. Commissioners of charities.

Q. The present commissioners? A. Yes, sir.

Q. Now, where were these things erected, these kettles and so on? A. Erected in a new cookhouse in the penitentiary.

Q. Did you formerly have the superintendence of all those matters in the penitentiary? A. Yes, sir.

Q. When was that taken away from you? A. Well, partly January, 1894, commencing, taking a little at a time.

Q. When Henry and Simis came in? A. Yes.

Q. And the rest of it, when? A. Well, it kept coming continually and finally they had very little left.

Q. Finally you had no control over the work of the penitentiary at all? A. Very little, yes sir; I went there every other day or every day, though.

Q. Now, were the firemen and mechanics formerly under your control? A. Yes, sir; and engineers.

Q. How long did that continue? A. I think about eight months ago they passed a resolution taking the engineers off my pay-roll and putting them on the warden's in the penitentiary.

Q. The engineers and firemen? A. Engineers and firemen, and also mechanics; and the next Wednesday—the next meeting of the Board after they passed that resolution, they passed another one reconsidering and leaving the mechanics under me and taking the engineers off.

Q. And putting them under the charge of the warden of the penitentiary? A. Yes, sir.

Q. Do you mean by taking the engineers; do you mean also taking the firemen and putting them under the warden? A. The firemen are prisoners in the penitentiary.

Q. They use prisoners as firemen? A. Yes, sir.

Q. But the engineers they put under the warden? A. Yes, sir.

Q. Do you know why that was done? A. No, I couldn't tell.

Q. Do you know whether the warden of the penitentiary is a competent engineer, in order to see that the other engineers can do their duty? A. I don't think he is.

Q. Do you know whether the object of this change was generally to curtail your duties? A. Well, I only have to guess at that.

Q. Did you have any difficulty with Warden Hayes, or were you not on friendly terms with him? A. No, sir; never.

Q. Very friendly with him? A. Well, friendly enough; yes, sir.

Q. Did the warden ever interfere with your duties, make complaint against you? A. Yes, sir.

Q. How long ago is that? A. About the time Henry came in, and Simis.

Q. And did that create any ill feeling between you. A. No.

Q. Not on your part. A. Not on my part.

Q. Don't you know that Hayes had no very good feeling towards you? A. I couldn't tell you that.

Q. Well, the fact that he made complaints against you—wouldn't that show it? A. Well, I don't know that he made complaints.

Q. You never heard them? A. Never heard.

Q. Have any differences arisen between yourself and the present commissioners? A. Not between me and the present commissioners, no, sir.

Q. Well, did they between the commissioners and you? A. Yes, Commissioner Henry; according to the bill I transferred a man from St. Johnland to Flatbush, a man named Foley, an engineer, and Commissioner Henry met him at the depot, and he told him if he didn't do as he wanted him to do, he would discharge him; and Mr. Foley told Commissioner Henry that this was not the first time that the chief engineer transferred him from one place to another, and he was going to obey the orders of the chief engineer; told Henry that he was only one commissioner out of three; Commissioner Henry says, "I will discharge him," and he did, at the next meeting of the Board.

Q. Well, is that all that happened? No charges preferred against the man? A. No, sir; the man is a good man, as good a man as there is in the department; that was the reason why I wanted to transfer him to the asylum.

Q. Did you also transfer Carroll? A. Yes, in his place.

Q. From Flatbush to St. Johnland? A. Yes.

Q. What was done about that? A. Well, when Foley was discharged there was no one to put in his place, and he remained there.

Q. You had no one to put in Carroll's place, is that the idea? A. Yes, sir.

Q. So he remained where? A. In the asylum at Flatbush.

Q. The object was to change them about? A. Yes, sir.

Q. Was that for the good of the service generally? A. Yes; I thought so.

Q. And in transferring Foley you exercised the usual prerogative that you had theretofore? A. Yes, sir; now they don't allow me to transfer; they do it through resolution of the board.

Q. That power has been taken away from the chief engineer? A. Yes, sir.

Q. And in addition to that have you also been notified that your services will be no longer required? A. No, sir; I have not.

Q. Or that the office has been abolished? A. Yes.

Q. And that will take effect on the 1st of October? A. Yes, sir. (Witness hands counsel a paper.)

Q. This is the notice that you received? A. Yes.

Mr. Hirsh.—It is dated the 5th day of September, 1895, headed with the usual printed heading of the department, and addressed to Patrick McCanna, Esq., chief engineer, department of charities and corrections, Brooklyn, N. Y.

Dear Sir.—The following preamble and resolution was adopted by the board of commissioners at the meeting of September 24:

Whereas, On the 1st of October next the care of the insane is to be assumed by the State, in accordance with chapter 628 of the Laws of 1895, by which this department will be relieved of the cares of the asylums at Flatbush and Kings Park; and

Whereas, After the said date, October 1st, in the opinion of this board, the services of a chief engineer will no longer be necessary; therefore

Resolved, That the office and position of chief engineer be abolished on and after October 1, 1895.

Attest: Bernard Lamb, Secretary.

Q. Who are your immediate subordinates, Mr. McCanna? A. You mean literally?

Q. Yes; we will begin from the present and we will trace them back? A. I have no immediate subordinates except a clerk.

Q. Well, who is that? A. Clerk, and storekeeper; one man's name is Andy Fitzsimmons, and the other one is Charles Larkin, engineer's storekeeper.

Q. Is Fitzsimmons still with you? A. Yes, sir.

Q. Larkin still with you? A. No, sir; Larkin is discharged.

Q. When was he discharged? A. He was discharged about two months ago.

Q. Did you recommend his discharge? A. No, sir.

Q. How did he come to be discharged? A. Couldn't tell you; resolution discharging him.

Q. All that you knew was you came there one day and he was not there any more? A. Wasn't there; that's it.

Q. Then he was discharged without consultation or approval by you? A. Yes, sir.

Q. Well, was there any effect upon your department in discharging Larkin? A. Well, there was; when we had St. Johnland he done all the shipping, and got requisitions and so forth; he was the storekeeper; he was the custodian of the goods, and see that the goods was kept up.

Q. Of all mechanical goods, the engineer's goods and so forth? A. Yes, sir.

Q. He was the storekeeper for that department, your department? A. For that department; yes, sir.

Q. And was the department at all crippled by his being discharged? A. Yes; it was for a while; but now, being as the shipping won't be done to St. Johnland — it will be done through the State — why, I suppose we could get along now.

Q. How long had Larkin been there? A. Larkin had been there over four years, I believe.

Q. So that he came there about 1891? A. I think so; yes, sir.

Q. And how long has Fitzsimmons been there? A. I think two years; two and a half years.

Q. Who preceded Fitzsimmons? A. A man named Murphy.

Q. How long had he been there? A. I think he was there three years.

Q. Was Fitzsimmons in the department before he came into your department? A. Yes.

Q. What department had he been in? A. No; he was always in my department; he was a helper, steamfitter's helper.

Q. And then he was made a clerk in the office? A. Yes.

Q. Altogether Fitzsimmons had been there how long? A. Probably about three years.

Q. Altogether? A. Yes.

Q. Wasn't he here four or five years? A. I believe not.

Q. And you say Murphy preceded him? A. Yes.

Q. Then Murphy and Fitzsimmons were there during the entire administration of Gott, Nolan and Murphy? A. Very near; yes.

Q. Do you know how Murphy was rated when he was there? A. Fireman, I think.

Q. And Fitzsimmons? A. Fitzsimmons, steamfitter's helper.

Q. Rated up to this time as steamfitter's helper? A. I believe so; yes.

Q. And yet his position has been in the office? A. As a clerk; yes, sir.

Q. So on the pay-roll he would appear as a steamfitter's helper? A. Yes, sir.

Q. You, at my request, prepared a statement of the various things and improvements made in your department? A. Yes, sir.

Q. Did anybody aid you in making that statement? A. Fitzsimmons done that.

Q. And that was made up from record generally of your department? A. Yes, sir.

Q. You and he making it up? A. Yes, sir.

Q. So Fitzsimmons and Murphy were in that place, that office of yours, during the entire administration of Gott, Nolan and Murphy? A. Yes; I think all but a month.

Q. And who kept the time book? A. Murphy kept it; Fitzsimmons—

Q. And then Fitzsimmons? A. Yes, sir.

Q. Did Larkin ever keep it? A. He called the names in the morning.

Q. What do you mean by calling the names in the morning? A. Well, all the employes reported at a quarter to 8 in the morning.

Q. They reported at your office? A. Yes.

Q. Well, what is done then? A. Larkin called the names and put them on the time slip.

Q. And from the time slip they are copied into the time book?

A. Yes, sir.

Q. That is, at the close of each day, is that right? A. Yes, sir; or the close of each week, I think; close of each week.

Q. Then at the close of each week these time slips are taken by Fitzsimmons? A. Yes.

Q. And entered into the time book? A. Yes, sir.

Q. Then at the end of the month, when the pay-rolls are being prepared, you go over the time book? A. Yes, sir.

Q. And prepare the pay-roll for your department for the commissioners? A. That is right.

Q. From this time book, is that right? A. Yes, sir.

Q. At that time do you put up personally the time that each man is entitled to receive? A. Yes, sir.

Q. And you mark it down then at the end of each line in lead pencil what he is entitled to get? A. Yes; the clerk does that.

Q. Don't you? A. No, sir.

Q. You see it done? A. Yes, see it done.

Q. You do the figuring, and then the clerk does it? A. Yes.

Q. Then you make up your pay-roll on a blank prepared for that purpose? A. Yes.

Q. And send it to the department; I will just show you one of these for the purpose of identifying them. (Paper shown witness.) State whether that is the blank form as filled up by you for each month? A. Yes, sir.

Q. And is then signed by you? A. Yes, sir.

Q. Now, that is the same as this, is it not? A. Yes.

Q. Marked "Exhibit No. 3?" A. Yes.

Q. Did you also suspend a man by the name of McGarrahan? A. Yes!

Q. When did you suspend him? A. About nine months ago.

Q. What for? A. For leaving his post—leaving his boilers 3 o'clock in the afternoon with a head of steam on.

Q. What was McGarrahan's position? A. An engineer.

Q. One of your assistant engineers? A. Yes.

Q. Where was he stationed? A. At the incurable hospital.

Q. At Flatbush? A. Yes, sir.

Q. And how were you notified that he had left his engine or boiler with a head of steam on? A. I went there myself; I was informed first by one of the men that they saw him going away; then I went there and found it was true.

Q. And then you suspended him? A. I suspended him immediately.

Q. And what became of that, Mr. McCanna? A. The commissioners put him back again.

Q. Commissioners Henry and Simis? A. Commissioners Henry and Simis.

Q. Did you prefer charges against him? A. Yes, sir.

Q. What was done with the charges? A. I don't know.

Q. Were you never called upon to substantiate the charges? A. No, sir.

Q. Never was? A. No.

Q. All you know is that he was reappointed? A. Yes, sir.

Q. Wasn't he a dangerous man to have in that department? A. Yes, sir; I considered him so.

Q. How long had McGarrahan been there? A. I think he was there three or four years; more than that; I think he was a fireman under Ray and Hynes.

Q. And did he then receive his engineer's certificate, do you know? A. Yes, sir.

Q. The only thing that you know about him after you suspended him was that he was again reinstated? A. Yes.

Q. Did you ever make inquiry how that came about? A. Did I make inquiry?

Q. Yes? A. No.

Q. Did the commissioners ever come to see you about it—why you had suspended him? A. I told the commissioners in a communication; I sent a communication that I had suspended McGarahan such a day for such an offense.

Q. And that is all you wrote about it? A. I spoke to Simis about it one day; told him he was a bad man to have there; that there would be some trouble about it; and that is all I heard of it.

Q. What did Commissioner Simis say? A. Well, he said that he had a brother-in-law or somebody, an alderman; a great many people come to see him and all that.

Q. You don't mean to say, Mr. McCanna, that Mr. Simis suggested that it was a political pull that had him reinstated? A. I should say it was; yes.

Q. In spite of the fact that the head of the department, the chief engineer, stated that he was a dangerous man to have employed there? A. Yes.

Q. Well, now, do you know William Moyland? A. William Moyland; I have saw him.

Q. What was his position? A. He is an engineer at St. Johnland.

Q. Do you know whether he ever had an engineer's certificate or only a fireman's certificate? A. He never had any in Brooklyn.

Q. Never had an engineer's certificate in Brooklyn? A. No, sir.

Q. Did he have an engineer's certificat elsewhere? A. He was arrested in the City of Brooklyn, and let go, promising that he would get a certificate, and he never went back to the inspectors to get one.

Q. He was arrested for acting as an engineer without having a certificate as an engineer? A. Yes, and he promised——.

Q. Promised to pass the examination and get a certificate? A. Yes.

Q. And never did that? A. No, sir.

Q. What boiler was Moyland in charge of? A. He was in charge of the small boiler in St. Johnland, an upright boiler that it used.

Q. Stationery upright boiler? A. Yes, that is used to run the pump to pump water for the insane there.

Q. Was that the boiler that came near blowing up here a couple of months ago? A. Well, it couldn't blow up, under the circumstances; all it could do was burn.

Q. Was there any such thing happened? A. Yes.

Q. When was that? A. I think it was along in June some time.

Q. Just state what occurred. A. Well, I examined the boiler, and it seemed to me that there was a large fire on, and he must have

let the—very little water in the boiler, and the large fire during the night; it evaporated the water into steam, and passed through the safety valve, and no water in the boiler; the fire got the boiler red hot; but it didn't injure it much; it was only an hour's work or two hours to expand the tubes; there was nothing in the boiler, no water, and of course it couldn't blow up.

Q. Now did you prefer charges against Moylan? A. Told the commissioners all about it and let them act on the matter; they were there.

Q. Was there a trial had? A. Had no trial.

Q. Who is John Miller? A. John Miller was my assistant engineer at St. Johnland.

Q. Did he have the superintendence of this pumping engine? A. Yes, sir.

Q. And did you prefer charges against Miller on account of this—
A. Not on that account; no sir.

A. Not on that account; no, sir.

Q. On what account? A. On the account that when I went there and asked him to do certain work he wouldn't do it; and the men come to me when I went there and say, "I worked 14 hours, that man only works four hours;" and several branches of work I give him to do and he didn't do it; he didn't say he wouldn't do it, but the work was undone, and those men, every time I would go up, they would talk to me in that way; I made charges against him.

Q. For insubordination? A. For each allegation that he had done, and proved them conclusively; nine men come up and swore that everything I said were true, all the charges.

Q. In this investigation of John Miller's was this boiler incident where Larkin had charge also, an incident? A. That was before; the commissioners exonerated Miller on that ground before the boiler, as I understand it.

Q. What was done on the charge against Miller? A. Well, I see in the papers that they reinstated him after I had suspended him.

Q. And took St. Johnland out of your charge? A. Yes, sir.

Q. And made him the chief engineer for St. Johnland? A. Yes, sir.

Q. That was the result practically of that investigation, wasn't it? A. Yes, sir.

Q. Do you know whether a reward was offered by the commissioners in reference to this boiler of Moylan's? A. I heard about it, yes.

Q. Do you know what that was for? A. No, sir.

Q. Wasn't there posters up in St. Johnland? A. Posters up in St. Johnland, but I hadn't been there afterwards to see them; I heard they were put on the trees and all over.

Q. Do you know what the explanation was of this condition of the boiler and this pumping engine? A. No, sir; I heard several things about it.

Q. What was there about it? A. Moylan told me that he left the place all right when he went away.

Q. Fires banked? A. Fires banked.

Q. Drafts closed? A. That is what he said.

Q. Well, I want to know what he said. A. Well, that is what he said; he said that he left the place with the fires banked and the drafts closed; he didn't know how it occurred.

Q. And the door locked? A. And the door locked.

Q. And the boiler full of water? A. That is what he said; yes, sir.

Q. Now what did he say as to the condition he found it in when he came in the morning? A. He said there was no water in the boiler and that the boiler was red hot.

Q. And the drafts wide open? A. That is what he said, yes, sir.

Q. The lock on the outer door broken? A. No, sir; none of them broken when I was there.

Q. Well, what did Moylan say about the lock? A. He didn't say anything to me at all about the lock.

Q. Did he say the window was open? A. No, sir; no trouble getting in there, so far as that is concerned; anybody could go in.

Q. And that was the only explanation given with reference to the condition of that boiler? A. Yes, sir.

Q. You consider it a good thing to have men in charge of boilers who have no engineer's certificate? A. No, sir.

Q. Consider them fit men for the position as engineers, those who are not qualified as engineers by law? A. I think they ought to be qualified by law.

Q. Did you complain to the commissioners about Moylan? A. I have on several occasions.

Q. Well, they knew he had no engineer's certificate, didn't they? A. Yes; I think they did.

Q. It is the duty of a man who is an engineer, gets his certificate to show it; can't he; he has the certificate; did you tell the commissioners that he was not a qualified engineer? A. No, sir; I didn't say anything about it; if they send a man as engineer I have to use him as such.

Q. Do you mean to say that if they send you a man and state that he is an engineer, you have no right to inquire whether in fact he is an engineer? A. I can inquire, yes.

Q. You made complaint about Moylan? A. No; I have not made any complaints about him.

Q. Never made any complaint about him? A. No, sir; he was only there two months in my time.

Q. This man Devlin that you have spoken of, have you ever preferred any charges against him? A. No, sir; the commissioners passed a resolution at one time directing me to select men that could be dispensed with; it was the winter time —

Q. Was that the time when Mr. Simis first came into the board? A. No, sir.

Q. Or Mr. Henry came into the board? A. No, this is about a year ago; it was last winter.

Q. They passed a resolution asking you to submit names of men whose services could be dispensed with? A. Yes; it was in the winter time and couldn't give him any work; there were three masons there, and they got practically through with the furnaces and I sent those men in; Devlin was one of them.

Q. You recommended that Devlin's services be dispensed with? A. Yes.

Q. What was done by the commissioners with reference to your recommendation? A. They discharged the two other masons and kept Devlin.

Q. And up to that time had Devlin been on your pay-roll? A. Yes.

Q. What did they do with reference to changing him from one pay-roll to the other? A. The next Wednesday they reconsidered that and put him on my pay-roll again.

Q. They had taken him off your pay-roll? A. Yes, sir.

Q. What pay-roll did they put him on? A. On the penitentiary pay-roll.

Q. Well, you make up the pay-roll of all mechanics? A. Yes, sir.

Q. And the pay-roll made out by the commissioners is based on the pay-roll you make out? A. Yes, sir.

Q. Can there be more names on the commissioners' pay-roll of mechanics than on yours? A. Yes, sir.

Q. How can that be? A. I don't know; the commissioners are the bosses; I couldn't tell.

Q. You mean to say that the commissioners — A. I don't know anything about what they do, or what their office does.

Q. You mean to say that the commissioners would or did put names on the pay-rolls that were not certified to by you? A. No, sir; I couldn't say that; no, sir.

Q. Now, when he was transferred from your pay-roll to the penitentiary pay-roll, who made up the pay-roll then? A. It was made up in my office by me.

Q. In your office? A. Yes.

Q. Then Devlin again appeared upon your pay-roll? A. Yes.

Q. Although he was transferred from your department to the penitentiary — A. But they offered a resolution.

Q. Rescinding that? A. Rescinding that, the next week.

Q. So there was practically no change except for a week? A. No change.

Q. And he has been there ever since? A. Yes, sir.

Q. And do you know how he is rated? A. Yes.

Q. How is he rated? A. Bricklayer, \$4 a day.

Q. What is the general condition of the buildings? A. Very poor.

Q. All the buildings? A. Yes, sir; I think if you let those two commissioners stay there two years more they won't have any buildings.

Q. Do you refer particularly to the buildings at Flatbush? A. Yes, sir.

Q. Just name the buildings particularly that you refer to. A. The almshouse, hospital, incurables, and insane asylum; the floors are in bad condition, and if you ask for material they won't give you any.

Q. Plumbing in bad condition? A. Well, the plumbing is better than the floors.

Q. Well, is that condition caused by a spirit of economy? A. Yes, sir.

Q. That goes through the department? A. Yes, I suppose so, if you call it economy.

Q. Well, that is quite the other extreme with what happened under Gott, Nolan and Murphy, isn't it, Mr. McCanna? A. Well, yes; a little.

Q. Do the commissioners visit the buildings frequently? A. Very seldom.

Q. Well, what do you call very seldom? A. Well, Simis, I have never seen him in the buildings over two or three times since he has been commissioner.

Q. You say Commissioner Simis has been there but two or three times? A. That is all I have saw him.

Q. Since he has been a commissioner? A. Yes; Flatbush.

Q. And Commissioner Henry? A. He goes there very often; runs up in the evening and back again.

Q. And Commissioner Burtiss? A. I have seen Burtiss there about three times since he has been commissioner.

Q. Well, are they careful in going through the building and looking at everything, or do they just look at the outside, do you know? A. Well, that I couldn't answer; I don't know where they go; I don't follow them up.

Q. Have you seen how long they stayed there; did you take notice of that? A. Probably half an hour.

Q. Do you mean by that, Mr. McCanna, that when any of the commissioners go to the county buildings at Flatbush that they remain there altogether about half an hour? A. Yes.

Q. And go away again? A. Yes.

Q. Well, but a person can't go through the hospital in a half hour? A. Hardly; might walk through, but you couldn't see anything.

Q. You couldn't walk through every ward in the hospital? A. No, sir.

Q. Unless the way that you go on a race-course, so much a lap; there are a great many wards in the hospital, aren't there, Mr. McCanna? A. There are 32.

Q. You don't mean to say that a man could walk through and see what is going on in that hospital in half an hour? A. No, sir; not in a half a day.

Q. Did you ever see any of the commissioners at the county buildings at Flatbush remain there for a day and go through the various institutions? A. No, sir.

Q. Never has happened? A. No, sir.

Q. Did the old commissioners ever do that? A. Commissioner Gott used to frequent the buildings very often.

Q. Stay there all day? A. Sometimes he would stay there a half a day; I think I have known him to stay there a day.

Q. He was very much interested in the buildings, Mr. Gott? A. (No answer.)

Q. Have you asked for flooring for these buildings lately? A. Yes, sir.

Q. How lately? A. Three weeks ago.

Q. Was it given to you? A. No, sir.

Q. And you say it is absolutely necessary? A. Yes, sir; keep people from falling through.

Q. What buildings did you want them for? A. I want some for the almshouse and the hospital.

Q. And did you so state in your requisition? A. No, sir; I just said the number of feet; there was a lot of other items on it; 15 or 20 items.

Q. You asked for other items, and you didn't get any of them?
A. No, sir.

Q. Do you know the cause of that refusal? A. No, sir; it has been that way; I made a requisition — sometimes I want things immediately, and I get it about three months after.

Q. They don't seem to pay much attention to your emergency calls? A. No, sir.

Q. Do the buildings there need any painting, do you know? A. Well, there is a fence, pipe fence, been up about three years; had one coat of paint, and it is now rusty; if it is let go much longer it will fall apart; an iron fence.

Q. That is a fence about a mile long? A. About a mile; yes.

Q. Goes around all the institutions? A. Yes.

Q. That was erected about three years ago, was it? A. Yes.

Q. And then received a coat of paint? A. Yes.

Q. Since then it has not been painted? A. No.

Q. Has the attention of the commissioners been called to that?
A. Yes, frequently; they can see it themselves if they go there.

Q. Have there been any painters employed lately? A. No, sir; not two years.

Q. That is rather different to what it has been under Gott, Nolan and Murphy? A. Yes.

Q. They used to employ them then by the dozen? A. Well, yes.

Q. Is that all done in a spirit of economy? A. Well, which is all done; do you mean to have none?

Q. Yes. A. I suppose so, if you call it that way.

Q. Has there been any difference in orders given by the various commissioners? A. Yes, sir.

Q. That is one commissioner would come to you and give you one order to-day? A. Yes.

Q. And another one would come to-morrow and give you a diametrically order? A. Yes.

Q. Has that happened under the present administration? A. It happens more now than it ever did, under the present administration.

Q. Then a greater number of commissioners doesn't improve the service? A. I think one commissioner would be better.

Q. How often has it happened that different orders have been given by different commissioners? A. Quite frequently; when there was five commissioners there, superintendents of the poor, they would pass a resolution directing me what to do; these people don't do that, they come up one at a time and want this done and that done.

Q. So the order of one commissioner frequently vitiates the order of another? A. Yes, sir.

Q. Has there been a coal inspector appointed by the present commissioners? A. There was one last year, yes, sir; I think there was always several coal inspectors appointed in my time there.

Q. Do you know who was appointed coal inspector last year? A. I think there was a man by the name of Vanderbilt.

Q. Appointed by the present commissioners? A. I couldn't tell you whether he was appointed by the present commissioners or the storekeeper when he came up there; he said he didn't know anything about coal.

Q. Come up where? A. To the buildings.

Q. Well, what kind of an inspector is an inspector who knows nothing about the article he is to inspect? A. I don't think he is fit to be inspector.

Q. Have you rejected any coal lately? A. Last winter, yes.

Q. Who was the contractor? A. Well, Itchens was the contractor in St. Johnland; I rejected a thousand tons there.

Q. Of Itchens coal? A. Yes.

Q. And that was sent back? A. Sent back, yes, sir.

Q. Did you reject any other coal? A. Yes; a man named Kelcey.

Q. Kelcey and Laughlin? A. Yes; rejected his coal.

Q. When? A. Last fall and last winter.

Q. Fall of 1894? A. Yes.

Q. How much of that did you reject? A. Well, didn't enough of it come; they only sent it as fast as we could burn, and they sent it Sunday's too; you couldn't reject it; you had to burn it.

Q. Well, did you complain about it to the commissioners? A. I

told the storekeeper, sent a communication to the storekeeper; sent another one to the commissioners calling their attention that I had already called the attention of the storekeeper and I got no satisfaction; so then I called the attention of the board and I got no satisfaction either places; the coal was about 40 per cent. dirt.

Q. And it was retained? A. Yes.

Q. Nothing was said to you giving any reason for retaining coal that was 40 per cent. dirt; what was the reason of your rejecting Itchen's coal? A. No; because it wasn't good.

Q. Wouldn't burn? A. Wouldn't burn.

Q. It was testified to here that somebody said when the contract was changed from Patterson to Itchen that you had charge of receiving the coal, and that \$700 or thereabouts was sent to you to pass Itchen's coal, is that so? A. No, sir; no.

Q. Did you ever receive any money for that? A. No, sir.

Q. Was there a man named Thompson there, a driver? A. Yes, sir.

Q. Is he there yet? A. No, sir.

Q. When did he leave? A. Commissioners Henry and Simis removed him with several others.

Q. He was at Flatbush, was he? A. No; he was a Fourteenth ward man.

Q. Was he stationed at Flatbush? A. As driver?

Q. Yes? A. Yes, sir.

Q. He was at Flatbush, not at St. Johnland? A. No; at Flatbush.

Q. He was a driver there under Warbasse? A. Under Warbasse; yes.

Q. Did he have anything to do with the coal at all? A. No, sir; nothing.

Q. Now, were the grates changed when the contract was charged for coal? A. Yes, sir.

Q. That is, the grates were made so smaller coal could be burnt? A. Yes, sir.

Q. And the coal was changed from nut to pea? A. Yes.

Q. Pea is the very smallest kind of coal, isn't it? A. Yes, sir.

Q. The cheapest kind, too? A. Yes.

Q. Pea coal can't be burned on the ordinary grate? A. No, sir.

Q. It will fall through? A. Yes.

Q. So all the grates had to be changed for the purpose of being able to burn pea coal? A. Yes, sir.

Q. Did that result in considerable expense to the department? A. Yes, sir.

Q. Has there been any change of grates again since then? A. Change this year, now.

Q. What was that done for? A. Couldn't tell you.

Q. Has the kind of coal been changed again? A. Yes, sir; egg coal now.

Q. Did you recommend the change? A. No, sir.

Q. Is egg coal more expensive than pea coal? A. Yes, sir.

Q. Much more? A. Yes.

Q. Well, wouldn't it usually come within the province of the chief engineer to make recommendations regarding the kind of coal to be used? A. Yes, sir.

Q. Did you make any such recommendations? A. They never asked me to.

Q. Did you make the recommendation to change to the pea coal when that change was made? A. No, sir.

Q. So the old commissioners in that direction acted the same as the present commissioner? A. The same as those; yes, sir.

Q. Has there been any change with reference to the character of steam kettles in the penitentiary lately? A. Yes, sir.

Q. What has been done in that direction? A. Well, since they introduced steam in the penitentiary — four steam kettles were enough, which contained about 500 gallons — they put in eight additional ones, that holds over 1,500 gallons, altogether making a total of 2,090 gallons.

Q. That is, they had a capacity for 2,090 gallons? A. Yes.

Q. Do you know what the cost of the eight additional was? A. The additional cost, I think, was between \$1,200 and \$1,300.

Q. Well, an increase of steam kettles by 200 per cent. would mean a great deal? A. Yes, sir.

Q. And have the number of inmates increased at all? A. I don't think so; of course, I don't know how many inmates there is there; I think about a thousand.

Q. When was this increase of kettles made? A. About a month ago.

Q. Under whose supervision were these eight steam kettles put in? A. Mr. Devlin and Mr. Hayes, the commissioners; I had nothing to do with it.

Q. I know, but somebody must have superintended their erection? A. I think Mr. Devlin.

Q. That is the bricklayer, Devlin? A. Yes, sir.

Q. Tell me the reason, if you know, why they preferred a bricklayer to superintend steam apparatus and its construction to the chief engineer? A. Well, I could give you reasons probably that wouldn't do the committee any good.

Q. I want to know some reason? A. It wouldn't do the committee any good; well, the first reason is that Commissioner Henry didn't like me; he wanted this man in a higher position.

Q. This man Devlin? A. Yes; and the second reason, Mr. Simis he wanted to do some law business for me and I wouldn't have it.

Q. Simis wanted to do some law business for you? A. Yes.

Q. You mean by that that he volunteered to do some law business for you? A. Yes.

Q. And you wanted to chose your own lawyer, is that the idea; has that been lately, Mr. McCanna? A. No, sir; it is a good while ago.

Q. Has there been any change in the capacity of the kettles in the almshouse? A. No, sir.

Q. How many inmates are there in the almshouse? A. I think 1,500 or 1,600.

Q. And in the penitentiary about a thousand? A. Yes, sir.

Q. Well, what is the capacity of the steam kettles in the almshouse? A. I think about 800 gallons.

Q. What could have been the idea of increasing the capacity in the penitentiary to about 2,100 gallons, for a less number of patients than in the almshouse, which has about 1,500 inmates and has only about 800 gallons capacity? A. I couldn't tell you.

Q. It wasn't done under your direction or advice? A. No, sir.

Q. Well, how was the cooking done in four kettles up to a month ago, in the penitentiary? A. I never heard any complaints.

Q. There was enough food cooked and all the inmates were served? A. Yes; the cooking there, and in the almshouse—in fact the almshouse is better if anything.

Q. Do you know whether the almshouse is superintended better than some of the other institutions there? A. Well, yes; I think the almshouse is superintended very well.

Q. That is under the superintendence of Murray? A. Yes.

Q. He looks after it well? A. He gets around pretty lively, yes.

Q. Has any boiler been condemned lately in any of the institutions? A. I think there was a boiler condemned in the penitentiary by the warden of the penitentiary; he sent a communication to the board stating the age of the boiler, and he condemned it and ordered a new one.

Q. Did you know the boiler? A. Yes; I had it repaired.

Q. Could it have been repaired again? A. It is repaired now, at a cost —

Q. And he asked for a new boiler? A. Yes.

Q. How much would a new boiler have cost? A. And set it, about \$3,000, same capacity.

Q. And you repaired it? A. Yes, sir.

Q. Did the commissioners tell you to repair it? A. No, sir; I first telephoned to Commissioner Henry in the office, telling him to send up some boilermakers to repair this boiler, and there was no attention paid; so I sent a communication to the board, and next meeting of the board they sent boilermakers to the penitentiary; they didn't send them to me; but I was there when they came and put them to work.

Q. And the boiler was repaired? A. Yes, sir; running now.

Q. How did you come to send for boilermakers? A. I examined the boiler.

Q. You examined the boiler? A. Yes.

Q. Were you asked to examine the boiler when Hayes condemned it? A. No, sir.

Q. How did you know about that? A. I kenw about it from going there and speaking with the engineer.

Q. Your duty called you around to examine the various boilers? A. Yes.

Q. And in that way you saw its condition? A. Yes.

Q. And saw it could be repaired? A. Yes, sir.

Q. How much did it cost to repair the boiler? A. Inside of \$100; I don't know; they haven't paid yet; I don't know what wages they pay boilermakers.

Q. Well, if Hayes' suggestion had been carried out, there would have been a practical loss of \$2,900? A. Yes, sir.

Q. How did you come to be instrumental in having this act passed in 1893, Mr. McCanna? A. Well, I think it was for the good of the institutions; good for the poor people there that there was an act passed of that kind, because I think if you can, like Commissioners Henry and Simis, change a man about every month, and it cost the county a great deal of money, too; there was people done that that was interested in it as much as I was; passed the Republican Legislature.

Q. You considered the passage of that act for the benefit of the community? A. I do, yes.

Q. Yet it applied at the time to nobody but yourself? A. That is right.

Q. You thought it would be pretty difficult for the commissioners to find as competent a man to fill that position as you? A. Yes; after my experience, yes, sir; twenty years—twenty-six years—I ought to know something about it.

Q. What has been the method of employing mechanics in your department? A. There is several kinds; sometimes there was a resolution passed by the board employing them; sometimes they were sent by a commissioner with a note.

Q. Just a small note? A. Yes.

Q. "Put the man on?" A. Yes; "Put so and so on."

Q. By a single commissioner or by the board? A. By a single commissioner sometimes.

Q. What would be the character of this note that you speak of?

A. "Put so and so on; he is a good carpenter; a good machinist."

Q. Democrat? A. No.

Q. By machinist did they mean a part of the machine of the county or a machinist to do the work there? A. Machinist to do the work.

Q. Would you put him at work whether you had work or not?

A. Usually, yes, sir; find something to do for him.

Q. Even if it was only to walk around the building? A. Well, no; there is generally something to do for men there.

Q. Well, this existed for how long, Mr. McCanna? A. I don't know but it existed partly not long ago; six months ago, probably.

Q. Even the present commissioners? A. Yes, sir.

Q. They did the same thing, you say? A. Yes.

Q. You say that Simis — A. I got a mason the other day and didn't ask for him; they appointed him.

Q. Any work for him? A. Yes, there is work for him; a little.

Q. What do you mean, "There is work for him?" A. Overhauling some furnaces.

Q. Did you have enough employes to do that without this man?

A. I think so, if Mr. Devlin would do any work.

Q. Does Mr. Devlin do any work? A. Why, if he did I think he could come over and do that work.

Q. So you say there was no requirement for additional work?

A. No, sir.

Q. If there had been you would have asked for it? A. Yes.

Q. Has that happened frequently under the present commissioners? A. Oh, yes.

Q. How was this man sent to you, by resolution of the board?

A. Resolution of the board.

Q. Have the present commissioners sent you any mechanics or other employes by note of one of the commissioners? A. I think Simis has given me a note.

Q. With reference to whom, do you remember? A. I don't remember.

Q. Just a note, "Put this man to work?" A. Sure; yes, that is my —

Q. Under the old commissioners, with Gott, Nolan and Murphy, that happened frequently, didn't it? A. Yes, sir.

Q. How frequently? A. Well, when there was a great deal of work going on, it happened every week; every month, probably, sometimes.

Q. Well, every man that they sent you that way you immediately put upon your time book? A. Yes, sir.

Q. And his time was kept? A. Yes.

Q. If he was there? A. Yes.

Q. Of course, nobody's time was kept that didn't work? A. No, sir; in the department.

Q. Not in the department? A. Not in my department; he had to do something, or be there.

Q. Well, as long as he was there he would be put upon the time-book? A. Sure.

Q. As long as he would answer to the roll-call he would be put upon the time-book? A. Sure.

Q. Of course, you couldn't see whether they did work or not? A. I couldn't follow every man around to see what he was doing.

Q. Were there times when there was a good many men crowding one another there? A. Yes.

Q. You could have done with a great many less, couldn't you? A. Well, yes; I could do with less, but it would take more time to do the work.

Q. Well, you must have been able to do with a great many less, Mr. McCanna, because Mr. Simis testified, and the minutes of the board show, that there were two resolutions passed asking you to recommend the discharge of men whose services could be dispensed with when he came into office? A. Yes, sir.

Q. And you sent from 30 to 40 names at a time, do you remember that? A. Yes, but then the work was all being done, finished; as fast as the work was finished the men was discharged.

Q. But the great part of the work had already been done, and yet the men remained, wasn't that so? A. I don't remember in any case; no, sir.

Q. Out of these 70 odd men who were discharged upon the reso-

lution of the board, the latter part of the year 1893 and the beginning of the year 1894, their work had all been done? A. Yes.

Q. And you would have discharged them anyhow, would you? A. Sure, yes; building a house you don't want to keep a man after the house is built.

Q. You mean to say that at no time there were mechanics employed there except those that actually did work? A. Yes, sir.

Q. You mean to say that? A. Yes; done some of it; I don't say that they all done work, every one.

Q. Well, you mean they all did some kind of work? A. Yes; some kind of work.

Q. For instance, every man that was sent there as a painter, would he do painters' work? A. Well, he had to make a show anyway.

Q. Well, a good many of them did make a show? A. Yes.

Q. And Liny Tracey was one of them? A. Yes; he was one.

Q. Liny Tracey wasn't a painter by profession, was he? A. No, sir.

Q. He was largely a pugilist and more so a liquor dealer? A. I don't know anything about that.

Q. You knew he kept a liquor store? A. Yes.

Q. You knew that in more ways than one? A. Yes.

Q. And you don't know that he was a pugilist? A. Well, I heard he was; I saw in the papers.

Q. You didn't attend the Sullivan-Corbett fight? A. No, sir.

Q. So you don't know whether Tracey was there in a professional capacity or not? A. No, sir.

Q. But you know whether he was paid during the time that he was attending that fight? A. He got no time from me.

Q. Are you sure? A. Yes.

Q. How sure are you? A. Well, I am very sure.

Q. Well, suppose you were to see his name on the pay-roll of your department for the exact time that the Sullivan-Corbett fight was being fought and for a week previous and for several weeks subsequent, what would you say to that? A. Well, I would say he didn't work.

Q. Oh, that I agree to; I ask you whether you don't know that he got his pay? A. No, sir; I don't.

Q. You don't know anything about that? A. I know he didn't get the time.

Q. You know he didn't work? A. Yes, sir.

Q. Appears upon the time book? A. I don't think so.

Q. Do you know when the Sullivan-Corbett fight was being fought? A. I remember the circumstance.

Q. Do you know what year that was? A. I don't; I can't call it.

Q. It was in the month of September, 1892? A. I don't think he got paid; if he did it is a mistake of mine.

Q. Now suppose you look at the item under the head of the month of September, 1892, marked Leonard Tracey; on the margin it is marked in pencil "went away;" and just look at those noughts that are marked there.

(Witness handed time book.)

Q. Now just look at the noughts (indicating) peculiar looking noughts, ain't they? A. Yes; they are; that is six days; you got the pay-roll?

Q. Just wait a minute; we will get that after a while; those noughts look peculiar? A. Yes; they do.

Q. They look as if they had been one's once, don't they? A. Yes.

Q. And were made into noughts after a while? A. Yes.

Q. The peculiar part of that is, Mr. McCanna that that time book was out of my possession for one day? A. It was, eh?

Q. Yes; three or four days; and when it came back — A. It went into the commissioners' office.

Q. I don't know; and when it came back those noughts were in the condition in which they are now; but the pay-rolls were also in my possession during that time and they were not changed; now you notice that at the end of that line of Tracey's there is the figure "20" in pencil? A. Yes.

Q. In whose handwriting is that? A. I couldn't tell you.

Q. Well, in whose handwriting are all the pencil marks? A. That is in Murphy's.

Q. He was the man who was succeeded by Fitzsimmons? A. Yes, sir.

Q. Do you notice whether there is any difference in the two and the nought? A. It looks to be a little different.

Q. I will show you under a microscope that there is an erasure there; formerly there was a "6" where the "0" now appears? A. Yes, sir.

Q. Do you know anybody who would be interested in making that change Mr. McCanna? A. No, sir; I don't.

Q. Let me show you the pay-roll for the month of September, 1892? A. This is the commissioners' pay-roll.

Q. Oh, yes; but it takes in all, because they base their's upon your's, don't they? A. Yes.

Q. You notice under the head of mechanics, "Leonard Tracy, painter, 26 days?" A. Yes.

Q. You notice a mark of only 20 days there now, and six days of one changed into noughts; can you give any explanation at all why these have not appeared upon the time book? A. I could not, sir.

Q. Can you give any reason why the time book differs from the pay-roll? A. I could not; I would like to see my own pay-roll, see how it is.

Q. Do you know where your pay-roll is for the year 1892? A. No, sir; it is in the commissioners' office.

Q. Are you sure it is there? A. It ought to be; yes, sir.

Q. We have not been able to find any of them, Mr. McCanna; we have been more anxious than you to find them; you don't know anything about them? A. I do not.

Q. You don't know anything about them? A. No, sir; I don't know anything about them; they are in possession of the board.

Q. But of course the pay-roll of the commissioners is based entirely upon yours? A. Yes, sir; not always I don't suppose; if they feel like giving a man time they can do it without me.

Q. But do you think that with the changes upon your time book, changes from one's to naughts, that the commissioners did anything with this pay-roll? A. No; I don't think so.

Q. This change must have been made by somebody else, that is so, isn't it? A. It must have been, yes, sir.

Q. Mr. McCanna, the pay-rolls of your department, made up by you and signed by you, that are missing, are for the years 1891, 1892 and 1893; do you consider it at all peculiar that those should be missing? A. It is kind of queer that they should be.

Q. And none of the others? A. Yes; it is very queer.

Q. Do you know of anybody who might be interested in that sort of thing? A. I couldn't tell you, sir.

Q. What was the rule of the department with reference to paying mechanics for work done? A. They paid them the same as all other employes, paid them monthly.

Q. Were they paid by the month whether they did work or not, or by the day? A. By the day.

Q. And only for the days that they actually worked? A. Yes, sir, without other ways ordered; if a man was sick or —

(Counsel hands witness the time book and a microscope.)

Q. Now will you look at that figure "20" again, opposite Liny Tracy's name, under the microscope, and see whether you don't notice that it is written over an erasure? A. Yes, sir.

Q. You notice that it is written over an erasure? A. Yes, sir.

Q. The Sullivan-Corbett fight took place on the night of the 7th of September in the city of New Orleans; under our present system of transportation, nobody could have reached the city of Brooklyn from New Orleans by the 8th of September; as a matter of fact Tracy did not return until some days after the fight; can you explain how his time appears? A. I can not; no, sir.

Q. Without a change from ones to naughts for the 8th and 9th days of September on this book? A. No, sir.

Q. Did Murphy keep the book at that time? A. Yes, sir.

Q. Was that Murphy any relative of the commissioners? A. No, sir.

Q. Do you know whether Tracey ever got his money himself?

A. I couldn't tell you.

Q. How did the commissioners pay these mechanics? A. Paid them at the buildings.

Q. The treasurer? A. Commissioner Murphy, at that time.

Q. Or the commissioner would come around with the money? A. Yes.

Q. Drive around in a carriage? A. No; go in the office; in the almshouse he paid all the mechanics.

Q. The mechanics would be paid in the almshouse? A. Yes.

Q. Were you present when they were paid? A. Sometimes I would be in St. Johnland.

Q. Did you ever see Tracey get his money? A. I think I did, once or twice.

Q. Do you know when that was? A. No; I don't remember.

Q. And when they got their money the pay-roll was present and they signed it? A. Yes, sir.

Q. At the same time? A. Yes, sir; except sometimes some men would sign for another; sometimes the clerk would sign for a man.

Q. Who came with the commissioner when he went in? A. The clerk.

Q. What clerk? A. Doyle and Lamb; both, sometimes.

Q. If a mechanic got his money he signed for it, didn't he? A. He had to, or one of the clerks had to sign for him.

Q. Why would the clerk sign for money that was paid to a mechanic? A. Well, probably the mechanic's hands would be dirty or something.

Q. Well, Tracey's hands never could be dirty, for he never did any work, did he? A. He used to have a paint brush.

Q. The peculiar circumstance here, Mr. McCanna, is that not a single pay-roll is signed by Leonard Tracey for his pay, in all those four years; can you explain that? A. I could not; no, sir.

Q. You say you saw him get his pay at times? A. I saw him get his pay, but I don't know who signed for him; I think one of the clerks signed for him.

Q. This pay of September, 1892, was not paid until October 5, 1892? A. It was not, eh?

Q. No, it was not, and then was signed "Leonard Tracey, Doyle, October 5, 1892;" can you explain that? A. I can not; no, sir.

Q. Wouldn't that show that Tracey hadn't been there when the money was received? A. He was not there when the paymaster was there; that is sure.

Q. That happens often with various mechanics? A. Sometimes; three or four.

Q. Are there any mechanics now in the department who simply hold a paint brush? A. No, sir; there is no painter there in the whole department.

Q. Is there any mechanic now that simply walks around for a living and draws his pay at the end of the month? A. I don't think there is; no, sir.

Q. Is there any painting done there at all now? A. Some done by paupers and patients in the lunatic asylum and in the inside of the building.

Q. None at all on the outside? A. Nothing on the outside; no sir.

Q. Did you know the character and the particular purpose for which all the mechanics were sent to you? A. No, sir; I couldn't tell you that.

Q. Do you say that there were no mechanics employed and received pay except those that were upon the time book? A. Yes, sir; that is what I say.

Q. Suppose I was to show you, as a matter of fact, a large number of names of mechanics who were employed and received their pay and whose names do not appear upon the time book; what would

you say to that? A. Well, then I would say they was put on by the commissioners, I suppose; put on the pay-roll; I couldn't say anything else.

Q. You would say that the commissioners put mechanics on the pay-roll who absolutely did no work? A. If they are not on the time book; yes, sir.

Q. How can you explain the fact that there were names of mechanics on the time book whose names were not on the pay-roll?

A. Mechanics?

Q. Yes. A. I don't think there is any such thing, is there.

Q. We will get to that after awhile, Mr. McCanna; I want to know whether you can explain any such thing? A. No, I can not; no, sir; oh, I might explain that in part; just put that question over again.

Q. How you could explain the fact that the names of mechanics appear upon your time-book and yet not upon the pay-roll? A. Well, I can very near explain part of that; the boilermakers, now, for instance, they would repair boilers, some times; there will be a bill sent in for labor and material to the commissioners.

Q. And their services would be included in that bill? A. Yes, sir.

Q. And they wouldn't be placed upon the pay-roll? A. Yes, sir.

Q. And yet you could put their names upon the time book for the purpose of seeing the actual amount of labor they performed? A. Wouldn't put them on the time book; put them on his time sheet.

Q. On time-sheets? A. Yes.

Q. Well, wouldn't they be copied into the time-book? A. Not always; no, sir.

Q. Well, sometimes? A. Might be sometimes; they only wanted to pay them by the day; I always got orders that way; whether they be paid by the day or paid by the bill.

Q. Who supervised the work done by the mechanics? A. I did, sir.

Q. All of it? A. No; I delegated men to do some when I was away.

Q. Well, who did you delegate that work to? A. Well, different persons; now, if I was away from St. Johnland I would delegate Miller.

Q. Well, Miller hasn't been there a very long while? A. Well, the man ahead of him—Mr. Brennan.

Q. Miller has been there only a short time? A. Well, and carpenter's work, I would delegate a carpenter to look after.

Q. Who, Murphy? A. Sometimes Murphy.

Q. Plumber's work to whom, Connolly? A. Connolly.

Q. Altenbrand was also a carpenter? A. Once in a while; all the job he ever superintended was putting a roof on the penitentiary; he never done anything else.

Q. But practically the entire work was under your supervision? A. Yes, sir.

Q. And you were responsible for it no matter to whom you delegated any part? A. Yes; I couldn't be at all the places at once, you know

Q. And the method of keeping the record was as you have stated. this time book, and the preparation of the pay-roll therefrom? A. Yes, sir.

Q. That was the only record you kept? A. Yes.

Q. Did you keep any record in your department of the work done? A. Not till '93; in '90 everything was all bunched up together, you know; it had been for years.

Q. How do you mean bunched together? A. Well, the money was appropriated for different things; some money was appropriated now, for instance, for the church, by the board of estimate; there was money appropriated for the heating and ventilation of the lunatic asylum, new boilers in the penitentiary, boiler in the hospital for incurables; now, those was all a separate account kept

of it, but for years before, when I was in the department before, the supervisors done this work.

Q. Now, I am speaking particularly from the years 1890; was there a record kept of all the work done beginning the year 1890?

A. Not ordinary repairs.

Q. But the putting up of new buildings or construction of new things, a record was kept of that? A. Yes.

Q. Now who kept that record? A. The clerk.

Q. Murphy, Fitzsimmons and Larkin? A. Yes.

Q. And have you a record book of that? A. No; I think we only took them on memorandums, you know.

Q. What do you mean by taking it on memorandum? A. Say there was so many men employed in the penitentiary and so many men employed in the different departments, so much material used.

Q. And kept that on a sheet of paper? A. Yes.

Q. What would you do then with that sheet of paper? A. Probably it lays around up there in the office.

Q. Is that the only manner in which you would keep a record? A. Yes; we have got another record.

Q. What other record? A. I think we kept a monthly report of everything.

Q. You kept that in a book, do you mean? A. Yes, what institutions is used; I think you have got it here.

Q. Will you look at pages 278 and 279 of a time book which I have marked "Time Book No. 1," "Exhibit K for identification," and state what those memorandums are? A. (Referring to Exhibit K.) Work done at the penitentiary.

Q. What are those memorandums; that is what I want to get at first; I can read myself what they state, but what are they done for; is that the record that you had? A. That is the record; yes.

Q. And that record shows work done in the penitentiary that year? A. Yes.

Q. And on the other page, the two pages right before you — what does that page show? A. Shows the salary of the men.

Q. That is, page 278 shows the salary of the men who worked on what? A. On the penitentiary.

Q. What was being done in the penitentiary? A. Putting a new roof on the penitentiary.

Q. In 1890? A. Yes, sir.

Q. And that was done by men employed for the purpose? A. Yes — no; there were some other men working there from different other buildings, a few of them.

Q. That was the work that Altenbrand was in charge of? A. Yes, sir; that is right.

Q. Is that the only record that you know anything at all about? A. Yes, sir.

Q. Do you know whether Altenbrand kept tally of the men at work? A. Yes; I think he did.

Q. And did he turn the tally of the men who were employed on that work in to you? A. Every day; yes, sir.

Q. And this record in this book that I have shown you was made up from that record of Altenbrand? A. Yes; should have been.

Q. Did these men answer roll-call in the mornings? A. No; I think Altenbrand took the names in the morning.

Q. They went right to work? A. As they went right to work.

Q. Well, can you explain why it is, if this is a correct record of that work at the time, that it is vastly different; why it is vastly different from the original memorandum made by Altenbrand? A. No, sir; I couldn't explain that, excepting that the mechanics at the other buildings, there was five or six that worked over there a few days at a time when I could spare them; we were in a hurry with the roof.

Q. Yes; but I am referring only now to the carpenters that Altenbrand had reference to; this record is marked "Rebuilding work

shop at Penitentiary," and they ought to tally; these carpenters had to tally with Altenbrand's original tally sheet, hadn't they? A. They ought to, yes; if he was right.

Q. I show you a paper; will you state whether you recognize Altenbrand's signature? A. (Referring to paper.) Yes; that is his signature.

Q. Do you notice how many men are at work according to that? A. Eleven men I could here.

Q. Suppose you look at this book again, "Record," as you call it and state how many carpenters—it is only the carpenters—how many carpenters are noted on that record? A. (Referring to book.) Twenty-eight I make it here.

Q. A difference between 11 and 28 is a great number? A. Yes, sir.

Q. Can you explain that Mr. McCanna? A. No, sir; I think this is right.

Q. You think the record in your time book is right? A. Yes, sir.

Q. You don't think this original memorandum of Mr. Altenbrand's is right? A. What date is that; I didn't look?

Q. Oh, that gives the time of all the men employed from July 8th to July 21st, on this work? A. I don't understand that at all.

Q. Do you know in whose handwriting this record is in this time book? A. Murphy's.

Q. What has become of Murphy, do you know? A. I don't know where he is.

Q. The tinsmiths on this work didn't commence work until the carpenters were through? A. Not till the roof was done; the carpenters wasn't quite through; the floors wasn't quite laid.

Q. Were there any masons at work on this? A. Yes, sir.

Q. What did they do? A. They put in fire-walls; they laid the building out in eight parts, the roof, and we put a girder across and

built a wall on the attic, so in case of fire coming again, the fire wouldn't rush through the whole roof.

Q. How many masons were at work, do you remember? A. I think two or three; I am not sure.

Q. What was the rule of the manner of keeping the time books; what were the marks used to show that a man was present or absent or sick? A. It was kept on a time-sheet, you know, same as Altenbrand sent a time-sheet over, and then that would be placed —

Q. How would that be kept; how would that time-sheet be kept? A. Be kept for a week.

Q. I know, but what would be the marks in order to show that a man was present or absent? A. That he was present, mark 1 down, and if he was not present, put a O.

Q. Were there any other marks or distinctions with reference to certain things? A. Yes; I think in one-half days, I think there were a mark in some cases a man didn't work all day, I think there was a special mark.

Q. Do you know what the special mark was? A. I think it was a dot of some kind; I don't remember rightly.

Q. Suppose he was there in the morning and didn't come there in the afternoon, how would it be marked? A. Didn't come there in the afternoon; I think there was two dots; something like that; I don't remember exactly.

Q. Well, suppose you look at page 124, opposite Mr. Feeney's name; you will find two little dots under September 30, 1889, just for example; do you see those little dots opposite his name? A. Yes.

Q. What does that mean? A. I think it means that he was sick and ordered paid by the commissioners.

Q. Those little dots mean that he was sick and he was ordered to be paid by the commimssioners? A. I think so; yes, sir; I am not sure.

Q. Now, the noughts on the same page mean that a man was absent? A. Yes, sir; nought means he was absent.

Q. Now, will you look at page 128, under the head "Carpenters," January 31, 1890, A. Sedan, and state what the various dots mean over his time from the 13th of January to the 17th of January, inclusive? A. (Referring to page.) Allowed time by commissioners.

Q. Allowed time by the commissioners, although the man was absent? A. Yes, sir.

Q. Why was he absent? A. Sick.

Q. That is your idea of it? A. Yes, sir.

Q. Well, reported sick? A. Reported sick; yes.

Q. How do you know that? A. Well, that was the rule.

Q. What was the rule? A. That if a man was sick the commissioners allowed him time, and sent a doctor's —

Q. Although a man was paid by the day? A. Yes, sir; he come with a doctor's certificate.

Q. That he would be paid for all the time he was absent? A. Yes, sir.

Q. That was five days that man was absent? A. Yes.

Q. At \$2.75 a day? A. Yes, sir.

Q. Now, just look at McCarthy, in the same month, absent eight days? A. Yes; that is the same thing; allowed time by commissioners.

Q. That was eight days? A. Yes, sir.

Q. At \$2.50 a day? A. Yes, sir.

Q. And S. Wilson? A. Yes.

Q. One day? A. Yes; one day.

Q. At \$2.50 a day? A. Yes.

Q. James McLaughlin, same month, six days? A. Same case.

Q. How many days? A. Six days.

Q. Three dollars? A. Yes.

Q. Now, in that month alone, Mr. McCanna, there was expended

by the department \$54.25 for mechanics who did no work absolutely? A. Yes; that is what that means.

Q. In the month of February, J. Dunn? A. Yes, sir; that is right.

Q. Seven days? A. Yes, sir.

Q. At \$2.75 a day? A. Yes.

Q. On January 18th, every mechanic is marked one-half day absent, and then over that was a whole day given; what do you find? A. Seven carpenters absent one-half a day.

Q. Each? A. Yes; and get full time.

Q. Are they marked for full-time? A. Yes, sir.

Q. How is that? A. I can't explain that, except that I was ordered to pay them, or ordered to make full time.

Q. They appear upon your time book as having only worked half-time? A. Half a day at that time.

Q. And who could have ordered you to put them full? A. They might have went away in the afternoon, and they might have not come until afternoon; well, it was done by the commissioners; of course, it was no interest to me.

Q. You had no interest in giving them more time? A. Not at all.

Q. Seven half-days would be three and a half whole days, at how much a day, the carpenters received? A. Two dollars and seventy-five cents a day.

Q. Now, do you find John Stanton, in February? A. Yes, sir.

Q. How many days? A. Four and a half days.

Q. You will find more than that; I have got him down for eight days in February? A. Eight; that is right.

Q. Eight days that he was absent and got paid for? A. He got paid for six.

Q. Well, he got paid for the entire time; how many days was he absent? A. Six days.

Mr. Pladwell.— Absent eight days on the time-book.

Q. I want to know from Mr. McCanna how many days was he absent? A. Eight days.

Q. Well, was he paid for those eight days? A. I couldn't tell you.

Q. Are there no marks there? A. There is marks there, yes.

Q. Over the eight days? A. Yes.

Q. Well, what does that mean? A. That means that he was allowed full time.

Q. That was \$2.75 a day? A. Yes, sir.

Q. On the time book how many days was Stanton away? A. Eight days.

Q. Is it eight or six? A. I think it is eight; eight days.

Q. Now, on how many of those marks do you find dots showing that you allowed him for the number of days absent? A. How many dots did you say?

Q. Yes. A. Sixteen.

Q. That would show two dots on each day? A. Yes, sir.

Q. That he was absent; and that he was allowed full time by the commissioners? A. Yes, sir.

Q. How many days have you him down there for altogether, including those eight? A. Twenty-four days.

Q. So he only earned sixteen days? A. Yes.

Q. Yet he is allowed on the pay-roll for twenty-four days; now, will you see E. Newman, in February, 1890, how many days he was absent? A. One day.

Q. At \$3.25 a day? A. Yes.

Q. Matthew Martin; how many days was he absent in February? A. Thirteen days.

Q. Thirteen days at \$2.50 a day; F. McCarthy? A. Eight days.

Q. So in the month of February, 1890, there was expended almost \$100 by the board for mechanics who did no work, for all these people who were away? A. Yes.

Now, will you look in July, 1890, at the name of P. McGinness? A. Six days.

Q. Six days absent? A. Yes, sir.

Q. Do you notice any erasures there? A. Yes, sir.

Q. Under what date? A. On the 5th, 6th, 7th, 8th and 9th.

Q. What is written over the erasure; that he was absent or present? A. That he was absent; that might have been a mistake.

Q. Now, will you look at Martin? A. The same month?

Q. It is either in July or August? A. Three days.

Q. Three days absent that he got paid for? A. Yes.

Q. Now, will you look at Leonard Tracey, in August, 1890? A. Eight days.

Q. Any erasure on that? A. Yes, sir.

Q. What is written over the erasure? A. What is meant for 1, pencil mark; that is, time allowed, I suppose.

Q. Is he marked sick, too? A. That is probably; the orders might have come up from the commissioners.

Q. Well, orders that he should be marked sick? A. That he was sick.

Q. Well, wouldn't anybody report for him that he was sick? A. Sometimes, might report to the commissioners' office.

Q. Did you ever know Leonard Tracey to be sick? A. Well, no; I never saw him sick.

Q. Was that the usual excuse given by the mechanics when they wanted to get off? A. Sickness; yes.

Q. The doctor's certificates could be obtained on the spot couldn't they, Mr. McCanna? A. I have got a bundle of them up there, and I suppose they have more down at the commissioners' office.

Q. But they could be obtained from the doctors on the spot, couldn't they, some of the internes there? A. Strange doctors in the city.

Q. No affidavit annexed to the certificate, any certificate would go? A. Anything would go from a doctor.

Q. If the physician simply certified, "Mr. Smith is sick" — A. Got a certain disease, something the matter with him —

Q. Headache? A. Yes.

Q. Toeache; all that would go? A. Yes.

Q. And thereupon he would get his pay; is that right? A. Yes, sir.

Q. Just look at William Curtis, August, 1890? A. Two days.

Q. J. McLaughlin in the same month; I have got him 14 days?
A. Fourteen is right.

Q. He must have been very sick man; did you know McLaughlin?
A. Yes; I know him.

Q. Very sickly man wasn't he? A. He is a little fellow.

Q. Very sickly man was he? A. Well, yes; I think he is a very sickly, frail man, an old man; a man about 65 years of age.

Q. What was he, carpenter? A. He is a tinsmith, and a good one, too.

Q. Was he often away sick? A. No; not very; he was a delicate fellow.

Q. Any relation to any of the other McLaughlins that we occasionally hear about? A. No, sir; he is not; no relative at all.

Q. M. Boylan, in the same month? A. Eight days.

Q. And P. McGinness? A. What month is that?

Q. That is in August, seven days I have got? A. Seven days.

Q. Did you know McGinness, too? A. Yes, sir.

Q. Another very sickly man? A. Well, no; he don't get sick often.

Q. Well it is funny, but McGinness turns up as a sick man almost every month; how was that; do you know, Mr. McCanna? A. I couldn't tell you exactly.

Q. So in the month of August there was also about \$100 expended by the board for these various sick men; in the month of September, 1890, McGinness is the only sick man? A. There isn't any here.

Q. Oh, yes; you will find them; it is written over an erasure; two days? A. I can't see it.

Q. Just look at the name of McLaughlin under September, changed from 1 to 0? A. Three days.

Q. Three days absent? A. Yes, sir.

Q. He got his pay? A. No; he didn't get no pay; I don't know whether he got his pay or not; he didn't get no time.

Q. Isn't there a change from a 1 to 0 there under the head of McLaughlin? A. Looks as though there was one; yes, sir; it is two days here absent, anyway.

Q. Now look in November, 1890, for M. Martin? A. Looks to me that there is three days there.

Q. Over an erasure? A. Yes; it looks so.

Q. Two dollars and fifty cents a day? A. Yes, sir.

Q. F. McCarthy? A. Two days.

Q. At \$2.50 a day? A. Yes; \$2.75.

Q. And Liny Tracey, how many? A. Eleven days.

Q. At \$2.50 a day? A. Yes; \$2.75, I think painters got, didn't they?

Q. Two dollars and seventy-five cents a day? A. Yes, sir.

Q. Any erasures on Tracey's account? A. Yes, sir.

Q. What do those erasures mean? A. Well, they mean that he was allowed time he didn't make.

Q. Is that all the erasures mean? A. That is all, I guess.

Q. Well, what was erased before the present marks were put on? A. I suppose he didn't make the time.

Q. Yet he was allowed the time? A. Well, he wasn't allowed it till the commissioners give orders that he was sick.

Q. The commissioners gave orders that he was sick? A. They sent up word, reported that he was sick.

Q. And Curtis, the same month? A. Five days.

Q. Sure it isn't six days? A. Yes; that's right.

Q. Six days? A. Yes.

Q. And Simpson? A. Two days.

Q. Yerkes? A. Two days.

Q. Boylan? A. Eight days.

Q. Three dollars and fifty cents a day? A. He was a blacksmith.

Q. Was it \$3.50 a day? A. Yes.

Q. Barry? A. One day.

Q. McGinness? A. McGinness, five.

Q. And Quinn? A. Six.

Q. Three dollars a day? A. I don't know what he got a day now; \$3 a day.

Q. Now, look in the month of December, 1890, E. Newman? A. Four days.

Q. Martin? A. Seven.

Q. And Leonard Tracy? A. Fourteen days.

Q. And Curtis? A. Curtis one day.

Q. Simpson? A. Four.

Q. McLaughlin? A. Six days.

Q. Kenny? A. Two days.

Q. Nuttall? A. Five days.

Q. Fisher? A. Two days.

Q. Quinn? A. Seven.

Q. Now look in the year 1891, January, Martin? A. Five days.

Q. McGinness? A. Two days.

Q. Where a man was sick so often as McGinness, why wasn't he reported by you as unfit for duty, and get somebody who would have been in better health? A. Well, I think I had reported him a couple of times.

Q. You did, eh? A. I think so.

Q. And a man like Leonard Tracey, who would stay away half a month at a time sick, would make a poor pugilist, I should think, Mr. McCanna, or you probably don't know anything at all about that? A. Very little.

Q. You don't know whether he was in training during this time?

A. I know he was not.

Q. Not training for that kind of a fight? A. No.

Q. Will you look in February, 1891, M. Martin; an erasure there, is there? A. Four days off on the book; two days credited.

Q. Just look at the end of the column and see if there is anything to compare with there; this item? A. Yes; it is marked four days out.

Q. And Quinn? A. He is out thirteen days; credited with five days

Q. He was out thirteen days and he got paid for five out of the thirteen days? A. Yes.

Q. How much a day; \$3 a day? A. Three dollars a day.

Q. Can you give any reason why he was credited with five days?

A. Well, I can't, only—

Q. Orders of the commissioners? A. Instructed.

Q. He hadn't worked those five days? A. Well, here it says, "Quinn, eight days out."

Q. Yes, that is to say, for the eight days he wouldn't be paid? A. I should say, I suppose.

Q. He was absent thirteen days? A. Yes.

Q. Why was there this difference made with Quinn and not with Tracey; do you know? A. I couldn't tell you at the time; my memory is not good on that.

Q. Now, will you look at the month of March, 1891, Martin? A. Fourteen days out.

Q. How many allowed? A. Credited with eight; six out.

Q. That is to say, he was paid for eight days that he didn't do any work on? A. Yes, sir.

Q. Connolly? A. Sick, as usual, eight days.

Q. Eight days pay for that he was not there? A. Yes.

Q. And Yerkes? A. Three days.

Q. Feeney? A. Eleven days.

Q. Flaherty? A. One day.

Q. Berry? A. One day.

Q. McGinness? A. Six days.

Q. Quinn, twenty-six days? A. Yes, he was absent every day in the month.

Q. And was paid for it? A. Paid all but six days, as I understand it here.

Q. How many days are there that he was paid for? A. Paid for twenty days; six days out.

Q. Are you sure about that? A. Yes, sir; that is what it marks on here.

Q. Did the season of the year have a particular effect, do you know, upon the various mechanics? A. I suppose warm weather was probably—

Q. Well, April wasn't very warm up in Flatbush? A. Well, I don't remember that now.

Q. And April was a very sickly month; there were 15 sick men in April; just look them up; Altenbrand, one day? A. That is right.

Q. Dunn? A. Two days.

Q. Donohue, one day? A. It is Dowling, a carpenter.

Q. Dowling, one day, \$2.75? A. Yes.

Q. Clark, six days? A. That is right.

Q. Martin, how many days? A. Martin makes four days.

Q. That is, he worked four days and was absent 22 days? A. He is allowed.

Q. He is allowed for 22 days? A. May have been; allowed four days here.

Q. I don't know what you mean by that. A. That is, he was paid for four days, according to this.

Q. In April, 1891? A. Yes.

Q. Now, just look at the item of Martin; what was it, Matthew Martin? A. Matthew Martin; yes.

Q. He is credited on the pay-roll with eight days? A. He only gets four here.

Q. The time book only gives him four days that he should be paid for? A. That is all.

Q. Why would the commissioners give him double that time? A. I couldn't tell you.

Q. C. Wilson, was absent how long? A. Eleven days.

Q. At \$2.50 a day? A. Yes, sir.

Q. And Liny Tracey? A. Eleven days.

Q. J. McGuire? A. Two days.

Q. Yerkes? A. Three days.

Q. Feeney? A. Four.

Q. Kenny? A. One day.

Q. McGinness? A. Two days.

Q. Fisher? A. Four days.

Q. Conkling? A. Eight days he is absent; I don't know whether he got paid for those or not; those are marked "Regular."

Q. What is marked "Regular," Conkling? A. Being absent.

Q. What do you mean by "Regular?" A. I mean that is docked on this book for seven days.

Q. He is on the pay-roll, then, as Conlon; now how many days should he be docked, according to yours? A. Seven days.

Q. Then he is credited with one day that he didn't work; is that right? A. Yes; looks that way.

Q. Hannan, one day? A. Yes, sir; well, that might have been working night, or something, under a furnace or something, probably it is; it looks as both of them did; my memory is that both of those men were working nights, Conklin and Hannan, where those dots are.

Q. Are they a different kind of dots? A. Well, yes; I think there is a little bit of difference.

Q. Now will you look at the month of May, 1891, see S. Meyers?

A. Four days absent.

Q. Four days absent and paid for? A. Yes.

Q. And Martin? A. Nine days.

Q. Kenny? A. One day.

Q. McGinness? A. Four days.

Q. Quinn? A. He is marked absent 12 days.

Q. Now, look at the month of June; there were 16 sick men in the month of June? A. Altenbrand, do you want?

Q. Altenbrand, how many days? A. Fifteen days.

Q. And Dowling? A. Two days.

Q. Hannan? A. Two days absent.

Q. Freel? A. Eight days.

Q. Martin? A. Seventeen days.

Q. Liny Tracey? A. Three days.

Q. Connolly? A. Three days.

Q. Yerkes? A. Three days.

Q. Feeney? A. Eight days absent.

Q. And J. McLaughlin? A. Ten days.

Q. Flaherty? A. Twelve days.

Q. And Berry? A. Two days.

Q. McGinness? A. Five days.

Q. Quinn? A. Two days; he died.

Q. When did he die?

Mr. Pladwell.— He died on the third day.

The Witness.— That is right.

Q. He was credited with two days after he was dead?

Mr. Pladwell.— Died on June 2d and credited with a day's pay on June 2d.

Q. C. Lynch? A. Two days.

Q. Anthony Wilson? A. Three days.

Q. Now look in the month of July, 1891? A. Newman, three days.

Q. And Lynch in the same month? A. Two days.

Q. Connolly? A. One day.

Q. Yerkes? A. Three days.

Q. McGinness? A. Sixteen days.

Q. And C. Fisher? A. Eleven days.

Q. Look in the month of August, Keating? A. One day.

Q. Hannan? A. Five days.

Q. Freel? A. Three days.

Q. September, 1891, Newman? A. Three days.

Q. Martin? A. Three days.

Q. Yerkes? A. Four days.

Q. Flaherty? A. Fifteen days.

Q. McGinness? A. Eight days.

Q. Fisher? A. Five days.

Q. Now the month of October, 1891, Hannan? A. Those are marked hours.

Q. What do you find Hannan, one day? A. Yes, sir.

Q. And Freel? A. Three.

Q. Feeney? A. Two days.

Q. Now, in all that book that you have just testified from, Mr McCanna, there are none of the mechanics actually marked in letters "Sick," are they; there are certain dots and marks that show to you that they brought certificates from physicians that they were called sick? A. Yes, sir.

Q. Or that might show that the commissioners had them marked sick? A. Yes.

Mr. Schulz.— This committee will take a recess until 2.30 p. m.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON
AFFAIRS OF CITIES AT A MEETING HELD TUESDAY
AFTERNOON, SEPTEMBER 24, 1895.

Present.—Messrs. Schulz, Whittet and Cole of committee.

Mr. Hugo Hirsh, of counsel.

Patrick McCanna, having been recalled for further examination testified as follows:

Examined by Mr. Hirsh.

Q. Mr. McCanna, just look at the time book for 1890 and state in January how many days Matthew Martin is credited there with?

(Counsel presents to witness the time book referred to.)

A. Twenty-five days.

Q. Now, I show you the pay-roll for January, 1890, state how many days he was paid for according to the pay-roll of January 1890 — the last name on the list.

(Counsel presents to witness the pay-roll referred to.)

A. Twenty-seven days.

Q. Can you explain that, Mr. McCanna, why he gets two days more on the pay-roll than on your time book? A. I could not; there is no explanation for it.

Q. Frank McCarthy—how many days does it show he worked according to the time book? A. No, sir; I couldn't explain it.

Q. How many days does it show? A. He has got 27 days.

Q. On the time book how many — Frank McCarthy? A. Twenty-five days.

Q. And on the pay-roll how many days? A. Twenty-seven days

Q. George Wilson—look at the time book first, please? A. Twenty-five days.

Q. And how many on the pay-roll? A. Twenty-seven days.

Q. Thomas Smith? A. Twenty-five days; he has got 27.

Q. On the pay-roll? A. Yes, sir.

Q. Michael Feeney? A. Counselor, this is not my pay-roll.

Q. I understand; that is the pay-roll of the department. A. Yes, sir.

Q. I understand that; just see how many days Thomas Smith has on the time book? A. Twenty-five days; he has got 27 days on the pay-roll.

Q. Michael Feeney? A. He has got 27 days on the pay-roll.

Q. And how many on the time book? A. Twenty-five days.

Q. Patrick Connelly? A. The same thing.

Q. Charles Peevey? A. Twenty-seven days—he has got 25 days on the pay-roll—27 days on the pay-roll and 25 days on the time book.

Q. William Nuttall? A. The same thing.

Q. John McLaughlin? A. Twenty-seven days.

Q. The same thing? A. The same thing.

Q. Lawrence Kenney? A. The same thing.

Q. Lawrence Carroll? A. The same thing.

Q. Joseph Altenbrand? A. Joseph Altenbrand, 27 days on the pay-roll.

Q. And how many on the time book? A. Twenty-five days.

Q. Abraham Suydam? A. Abraham Suydam, 27 days.

Q. On what? A. On the pay-roll, and 25 days on the time book.

Q. John Dunn? A. The same thing.

Q. Mortimer Fennell? Q. The same thing.

Q. James Bennett? A. The same thing.

Q. Lawrence Dowling? A. The same.

Q. Henry Decker? A. The same.

Q. Patrick Keating? A. The same thing.

Q. John Fagin? A. John Fagin, the same.

Q. George Meyers? A. George Meyers is a mason.

Q. How many days on the time book and how many on the pay-roll?

A. Twenty-four days—27 days.

Q. Twenty-seven days on the pay-roll? A. Yes, sir.

Q. And how many on the time book? A. Twenty-five days.

Q. James Hopkins? A. The same thing.

Q. How many days on the pay-roll? A. Twenty-five days.

Q. On the pay-roll, or the time book? A. On the pay-roll it is 27 days.

Q. And on the time book? A. Twenty-four days.

Q. Twenty-four or 25? A. Twenty-four.

Q. And Edward Newman? A. The same thing.

Q. In that one month the department paid out \$144.75 more than appears upon your time book; can you explain that, Mr. McCanna?

A. No, sir; I can not.

Q. Now, will you look at the month of February?

(Counsel present to witness the pay-roll for the month of February).

A. Yes, sir.

Q. How many days in February is Frank McCarthy on the time book? A. Twenty-four days; 24 days on the time book.

Q. Twenty-four days on the time book? A. Yes, sir.

Q. And how many days is Leonard Tracey on the time book in that month; how many days is Leonard Tracey on your time book in the month of February? A. Not on the pay-roll at all.

Q. I didn't ask you anything about the pay-roll. A. He is six days on the time book.

Q. He is not on the pay-roll at all; he is on the time book six days; he is not on the pay-roll at all? A. No, sir.

Q. Now, look in the month of March.

(Counsel presents to witness the pay-roll for the month of March)

Q. George Meyers—how many days on the time book; one thing at a time, please; how many days on the time book? A. Twenty-six days.

Q. Now, how many days on the pay-roll? A. He has got 28 days on the pay-roll.

Q. How many days in the month of March is Tracey on the time book? A. March?—26 days.

Q. And how many days on the pay-roll? A. Six of those days that he has made belongs to the month previous.

Q. On the time book? A. Yes, sir.

Q. So that he only served 20 days? A. Twenty-six and 6 is 31.

Q. Twenty-six and 6 are 32. A. Or 32; yes, sir—32 days.

Q. On the pay-roll? A. Yes, sir.

Q. And the time book shows 26 days? A. Yes, sir; but six days from the month previous.

Q. So the six days in February are added to the pay-roll for the month of March? A. Yes, sir.

Q. Who are they receipted by? A. "L."

Q. Leonard Tracey per L.? A. That is Lamb, I suppose.

Q. Lamb is the secretary of the board? A. Yes, sir.

Q. How many days was J. J. Donohue on the time book in March? —you won't find him on at all; I simply want you to look through it. A. I don't think the boiler makers are on here. (Witness examines pay-roll.) It ain't on.

Q. Is he on the pay-roll? A. They are on the pay-roll, but not on the time book.

Q. Not on the time book? A. No, sir.

Q. How many days is he paid for? A. John Donohue, 18 days; Peter Donohue, 16 days.

Q. Neither on the time book? A. No, sir.

Q. At \$3.75 per day? A. Yes, sir.

Q. Can you explain that? A. Yes, sir.

Q. How can you explain it? A. I did not know whether they would hire those people by the day or hire them by contract; that is to send in a bill so much for the job.

Q. Well? A. That is the only reason.

Q. That is the reason you did not put them on the time book? A. Yes, sir.

Q. Where did they get the time from? A. They got it from me on a slip.

Q. Not on the time book? A. They have all a slip, and I have to sign the slip for the factory and boiler place, and I keep one and send the other to the superintendent of the works, whoever he may be.

Q. Now, look at the month of April; how many days is John Dunn on the time book? (Counsel presents to witness the pay-roll for the month of April.) A. Seventeen days on the pay-roll—or, on the time book.

Q. Seventeen days on the time book, and how many on the pay-roll? A. Twenty-six days.

Q. A difference of 9 days? A. Yes, sir.

Q. At \$2.75 a day, was it? A. Yes, sir; \$2.75 it was.

Q. Can you explain that? A. No, sir.

Q. John Stanton? A. Twenty-six days.

Q. On what? A. Twenty days on the—

Q. Twenty-six days on what? A. Twenty-six days on the pay-roll, and 20 days on the time book.

Q. Just see whether it is 20 or 18 days on the time book? (Witness examines pay-roll.) A. That is all we can make it.

Q. Twenty? A. Seventeen days.

Q. Seventeen days? A. Yes, sir.

Q. A difference of 9 days in that direction too, is it not—17 and 26; now, see about Michael Boylan? A. He was a blacksmith.

Q. How many days on the time book? A. He made 25 days on the time book, 26 days on the pay-roll.

Q. Patrick McGinnis—how many days? A. Twenty-five days on the time book, and 26 days on the pay-roll.

Q. Francis McCarthy? A. Twenty-five days on the time book, and 26 days on the pay-roll.

Q. Leonard Tracey? A. Twenty days on the time book, and twenty-six days on the pay-roll.

Q. Now, in that month they paid \$72.50 to mechanics who were not on your time book—can you explain that, Mr. McCanna? A. No, sir; in the usual way, they were sick I suppose.

Q. What is that? A. They were sick I suppose.

Q. You would have had them marked so in your time book, would you not? A. They are marked.

Q. There is no mark of sickness on the time book, is there? A. No, sir.

Q. No; look for the month of May—Joseph Altenbrand. (Counsel presents to witness the pay-roll for the month of May.) A. Twenty-seven days on the pay-roll and 26 days on the time book.

Q. John Dunn? A. The same thing.

Q. Now, just look how many days on the time book? A. The same number of days.

Q. Twenty-five or 26 days on the time book? A. Twenty-six days on the time book and 27 days on the pay-roll.

Q. Edward Newman? A. He was a mason—25 days on the time book; 27 days on the pay-roll.

Q. Lawrence Kenney? A. He is a tinsmith—26 days on the time book and 27 days on the pay-roll.

Q. Francis McCarthy? A. He is a painter — 26 days on the time book and 27 days on the pay-roll.

Q. And Leonard Tracey? A. Twenty-six days on the time book and 27 days on the pay-roll.

Q. Now, will you look at the time book and pay-roll for the month of June—Joseph Altenbrand? (Counsel presents to witness the pay-roll for the month of June.) A. Twenty-four days on the time book and 25 days on the pay-roll.

Q. Abraham Suydam? A. The same thing.

Q. John Dunn? A. Nineteen days on the time book and 22 days on the pay-roll.

Q. John Yerkes? A. He is a plumber; he worked 24 days according to the time book and 25 days on the pay-roll.

Q. Edward Newman? A. The time book gives him 23 days; the pay-roll 24 days.

Q. Lawrence Kenny? A. Lawrence Kenny — time book 24 days; pay-roll 25 days.

Q. Thomas Moran? A. Time book 24 days; pay-roll 25 days.

Q. Michael Boylan? A. He is a blacksmith—time book 22 days; pay-roll 24 days.

Q. Patrick McGinnis? A. Time book 23 days; pay-roll 25 days.

Q. Matthew Martin? A. Matthew Martin—time book 24 days; pay-roll 25 days.

Q. Leonard Tracey? A. Eighteen days on the time book, and 23 days on the pay-roll.

Q. That's good; look at the month of July; just compare the time book for the month of July with the pay-roll for Joseph Altenbrand.

(Counsel presents to witness the pay-roll for the month of July.)

A. Altenbrand worked according to the time book seven days; pay-roll, 27 days.

Q. Edward Newman? A. Time book, 23 days; pay-roll, 27 days.

Q. Twenty-seven days? A. Yes, sir.

Q. A difference of four days? A. Yes, sir.

Q. Patrick McGinnis? A. Time book, 22 days; pay-roll, 27 days.

Q. A difference of five days? A. Yes, sir.

Q. Matthew Martin? A. Twenty-three days on the time book and 27 days on the pay-roll.

Q. Francis McCarthy? A. Twenty-four days on the time book and 27 days on the pay-roll.

Q. Leonard Tracey? A. Sixteen days on the time book and 25 days on the pay-roll.

Q. William Curtiss? A. Twenty-two days on the time book and 27 days on the pay-roll.

Q. Mr. McCanna, do you know who appointed Newman, McGinnis, Martin, McCarthy, Tracey or Curtiss? A. Tracey and Newman were there before I went there—appointed, I think, by Ray.

Q. Who appointed Tracey? A. Tracey was appointed by Gott, Murphy and Nolan.

Q. Do you know which one of them particularly was sponsor for him? A. No, sir—I do not.

Q. He seems to be particularly favored in various ways? A. I can't tell you.

Q. Do you know of any reason for it? A. No, sir—I do not.

Q. Do you know of any reason why he was favored? A. I couldn't tell you.

Q. Look in the pay-roll and time book for the month of August, 1890—look for the name of Dunn on the time book.

(Counsel presents to witness the pay-roll for the month of August.)

A. Twenty-two days on the time book and 22 days on the pay-roll.

Q. Edward Newman? A. Twenty-five days on the time book and 26 days on the pay-roll.

Q. Now look at James McLaughlin's memorandum on the time book, will you?—on the time book; notice if he was not first marked absent in ink, and then it was erased and marked "present" in pencil

A. Well, you want the number of days?

Q. No, sir; I want you to answer that first—whether he was not first marked "absent" on the time book. A. That is right.

Q. And then marked "present" in pencil? A. Yes, sir.

Q. Do you know what caused that change? A. I suppose he sent word that he was sick and then he was allowed his time.

Q. Allowed his time after he was marked "absent" on the pay-roll? A. Yes, sir.

Q. That was by order of the commissioners? A. Yes, sir; by order of some one of the commissioners.

Q. Now see if the same does not apply to Patrick McGinnis and Michael Boylan? A. That is right; yes, sir.

Q. How much of the time was each marked "absent," can you tell? A. Eight days absent.

Q. Each of them three days? A. No, sir.

Q. Which one of them three days? A. None of them three days; Boylan eight days, McGinnis seven days.

Q. Absent? A. Yes, sir.

Q. And McLaughlin? A. We just answered McLaughlin.

Q. No; you said Boylan eight days and McGinnis seven days; now, how many days was McLaughlin absent? A. Well, I will answer it again; it is all right: present 11 days.

Q. And how many days was he paid for? A. Twenty-six days on the pay-roll.

Q. Francis McCarthy—how many days was he absent? A. He was a painter; he was absent 11 days, and he gets 15 days on the pay-roll.

Q. George Wilson? A. Twenty-three days on the time book and 23 days on the pay-roll.

Q. Robert Allen? A. Robert Allen—25 days on the time book, and 26 days on the pay-roll.

Q. Now look at Leonard Tracey's account in your time book, and what do you find? A. Eighteen days on the time book, and 26 days on the pay-roll.

Q. William Curtiss? A. Twenty-four days on the time book, and 26 days on the pay roll; counsellor, I want to call your attention to this: it was originally made 25 and he was paid for 26.

(Witness presents to counsel the pay-roll.)

Q. Who makes out that department pay-roll? A. I don't know; I think it is Mr. Doyle's handwriting—Mr. Lamb or Mr. Doyle.

Q. That is William Curtiss, the last one you have called attention to? A. Yes, sir.

Q. Marked 26 over 25? A. Yes, sir.

Q. Among the few of your pay rolls that I have been able to find, I find the pay-roll for that month signed by you; just look at William Curtiss' name on that and see how many days you give him credit for?

(Counsel presents to witness pay-roll referred to.)

A. Twenty-five days—and they gave him credit for 26 days.

Q. They gave him credit for 26 days? A. Yes, sir; here it is,
(Witness indicates to counsel on the pay-roll.)

Q. Now, can you give any reason why these extra days were put on the department pay-roll? A. I don't know.

Q. Do you know whether anything was given away by any of these mechanics to anyone in the department? A. No, sir.

Q. You never heard of that? A. I never heard of that.

Q. Does it not look as if somebody was interested in giving them more pay than they earned? A. You can think what you are mind to, but I could not answer that question.

Q. They have no other guide but your own pay-roll signed by you, had they? A. No, sir; that is my pay-roll, that is my name at the bottom of it.

Q. Were there any collections made, do you know, from the mechanics to make presents to foremen or anything of that kind? A. No, sir.

Q. You never heard of that? A. No, sir.

Q. Nobody ever made you a present? A. No—yes, sir; I have been made a present by the mechanics.

Q. By the mechanics? A. By the mechanics and the engineers in the department; I was made a present of a picture.

Q. A picture of yourself? A. Yes, sir; and a set of resolutions.

Q. When was that, Mr. McCanna? A. In 1892; I didn't know it was getting up until a day or two before.

Q. Do you know how the collections were made for that picture? A. I do not; no, sir.

Q. You don't know whether these odd days that were put in the pay-roll were for the purpose of getting up this picture? A. No, sir; those people had nothing to do with it; it was the mechanics and the engineers.

Q. Will you look at the month of September, and take all the mechanics on the September time book and pay-roll, and see if you do not find them credited, with the exception of McLaughlin and Kiernan, on the time book with 24 days and on the pay-roll with 26 days, all of them, with those two exceptions?

(Counsel presents to witness the pay-roll for the month of September.)

A. Counsellor, there is 4 names here that has not got 24 days.

Q. What are they? A. There is James Dolan, John Conkling, P. Kiernan and J. McLaughlin.

Q. And how many have those? A. Dolan has 21 days—

Q. And the pay-roll gives him how many? A. Conklin, 18 days; Kiernan, 12 days; McLaughlin, 21 days.

Q. That is in September, 1890? A. Yes, sir.

Q. And you have been reading from the time book? A. Yes, sir.

Q. You are sure about that now; suppose you look at that again?
A. Yes, sir; that is right.

Q. Now, I show you your own pay-roll for the same month; just see how that compares with the time book.

(Counsel presents to witness the pay-roll referred to.)

A. There is a difference of 2 days—23 days on Dolan.

Q. That is, you have got him on your pay-roll— A. Yes, sir.

Q. For how many days? A. Twenty-three days.

Q. And on the time book he has only 20 days? A. Twenty-one days.

Q. How do you explain it? A. I must have been told by some of the commissioners that this man was sick.

Q. And to give him three days more? A. Yes, sir; I got word in some way.

Q. And in that way you explained all the additions? A. Yes, sir.

Q. Regardless of whether he came to you with the certificate or not?

A. If he came to me with a certificate that he was sick—

Q. You would mark him so? A. Yes, sir; I would mark him so.

Q. And if he did not and the commissioners told you to give him three days extra you would do so? A. Yes, sir.

Q. You would simply obey orders? A. Yes, sir.

Q. With the exception of the four that you have mentioned all the other mechanics in that month were on the time book 24 days? A. Yes, sir.

Q. And on the pay-roll 26 days? A. Yes, sir.

Q. Now if you will look at the October pay-roll?

(Counsel presents to witness the pay-roll for the month of October.)

A. Yes, sir.

Q. Matthew Martin? A. On the time book 26 days and pay-roll 27 days.

Q. Francis McCarthy? A. The same thing.

Q. Robert Allen? A. The same thing.

Q. Patrick Kiernan? A. Twenty-seven days on the time book and 27 days on the pay-roll.

Q. Now just look at the pay-roll a little carefully and see what is on there? A. Oh, I was looking ahead here; there are two Kiernans—it is Patrick Kiernan, 12.

Q. Did he not get pay for 39 days that month? A. Yes, sir; he is credited here with 27 days in one place and 12 days in another.

Q. How do you explain that, Mr. McCanna; he was paid the month previous—so it could not be for previous time? A. He has been absent 12 days in the month previous and he did not get that.

Q. He was absent the month previous 12 days and he did not get the pay then for it? A. Yes, sir.

Q. And in the following month they gave him the pay for the 12 days he was absent in the month before? A. Yes, sir; it looks so.

Q. John Yerkes? A. Twenty-six days on the time book, and 27 days on the pay-roll.

Q. Lawrence Carroll? A. He is not on the time book—he is on the pay-roll for two days.

Q. Well, if he is not on the time book he could not have worked?

A. Well, that was a question; he was discharged in St. Johnland—he was a tinsmith, and he claimed pay for two days that he was up there; they used to send tickets up there to bring the men down and he didn't get any—and I refused to certify to his time—I believe they allowed him two days.

Q. Patrick McGinnis? A. He was afterwards discharged.

Q. Now, Patrick McGinnis? A. He was a blacksmith—there it is: 26 days on the time book and 26 days on the pay-roll.

Q. Michael Boylan? A. The same.

Q. Charles Fisher? A. Twenty-six days on the time book, and 27 days on the pay-roll.

Q. Now look at the pay-roll for November?

(Counsel presents to witness the pay-roll for the month of November.)

A. Yes, sir.

Q. Lawrence Dowling? A. Twenty-four days on the time book, and 25 days on the pay-roll.

Q. Michael Feeney? A. Michael Feeney, a plumber, 18 days on the time book, and 25 days on the pay-roll.

Q. Just look at the time book for that month and see the number of alterations in the men's time? A. There are alterations in Martin, McCarthy, Wilson, Allen—one Tracey—you want to hear them all?

Q. Yes, sir? A. McGuire, Curtiss, Simpson, Yerkes, Boylan, Barry, McGinnis and Fisher.

Q. What was the cause of those alterations? Well, I must have been told by the commissioners—one^d or^d more of them—that they were sick.

Q. So that you marked them "present" after they had been marked "absent?" A. Yes, sir.

Q. Is that right? A. Yes, sir.

Q. Do you know how that affected the pay-roll for that month—to what extent? A. Not exactly; no, sir.

Q. Can you approximate how much it affected the pay-roll for that month? A. Probably \$100.

Q. Did you ever say anything to the commissioners concerning the money wasted in this way, Mr. McCanna — hundreds and hundreds of dollars per year, amounting into the thousands, paid out to men, or ostensibly paid out to men who did no work? A. I will answer that by asking you something: Supposing I said something to one of the commissioners, wouldn't he tell me it was none of my business?

Q. Well, did he tell you that? A. He didn't tell me, but I thought if I asked him he would.

Q. Look at the pay-roll for the month of December and see if you do not find that all the mechanics, with the exception of Bennett, Tracey and Molliter, are marked on the time book 24 days and on the pay-roll 27 days. A. All, with the exception of Patrick Britt; he has got 21 days.

Q. Patrick Britt? A. Yes, sir; a harness maker; he has got 21 days.

Q. On the pay-roll? A. Yes, sir.

Q. And how many on the time book? A. That is right; he has got 21 days on the time book and 21 days on the pay-roll.

Q. Now, what do you find on Leonard Tracey's account for that month; is he not marked "present" over erasures? A. Yes, sir.

Q. The erasure was of an absent mark, was it not? A. Yes, sir.

Q. Now, how many marks were there that he was absent? A. Thirteen.

Q. And he was afterwards marked "present" in those 13 days? A. Yes, sir.

Q. And got his pay for it, of course? A. I don't know; I suppose he did.

Q. What is that? A. I suppose he did; yes, sir.

Q. Well, just look at the pay-roll and see if he didn't get paid for it?

(Counsel presents to witness the pay-roll for the month of December.)

A. Yes, sir ; he gets 27 days.

Q. He gets 27 days? A. Yes, sir.

Q. Now look at those men's names on your time book and see if their are not marked "discharged" the last three days? A. Bennett, discharged—he was discharged on the 30th; Decker, discharged on the 30th; Hopkins, discharged—

Q. Murphy? A. Murphy, discharged on the 30th.

Q. Clark? A. Clark, discharged on the 30th.

Q. Does it show they were discharged on the 30th? A. Yes, sir.

Q. Just look carefully and see ; there is no time marked there up to the 30th? A. No, sir ; the time is marked the 27th.

Q. The time is marked up to the 27th? A. Yes, sir.

Q. Then he ought to have been paid for how many days? A. He ought to have been paid for 24 days.

Q. Well, there was a Christmas day there too? A. Yes, sir ; the 25th.

Q. Christmas usually comes in December—and he ought only to have been paid for 23 days? A. Well, they pay for the holidays.

Q. That would be for 24 days excluding the Sundays? A. Yes, sir.

Q. And yet the pay-roll is for a full 27 days? A. Yes, sir.

Q. Can you account for it at all except on the line that they were making presents to the men when they discharged them? A. I suppose they were.

Q. Do you notice many alterations on the time book in that month?

A. Yes, sir.

Q. Just state the names of the men opposite whose names alterations occur? A. E. Newman, P. Clark, Martin—

Q. Matthew Martin? A. Yes, sir ; L. Tracey, Curtiss, Simpson, William Nuttall, Boylan, Quinn, McLaughlin and L. Kenny.

Q. And how many days erasure appeared opposite each of these names? A. There are different ones.

Q. Well, I would like you to name them all—just the number of

erasures opposite their names—the erasures showing that they were marked present after being marked absent? A. Newman, 4; Clark, 1; Martin, 7; Tracey, 13; Curtiss, 1; Simpson, 4; McLaughlin, 7; Nuttall, 6; Boylan, 1; Quinn, 7; that is all.

Q. Does that time book go into 1891? A. Yes, sir.

Q. Now look at the time book for January, 1891 — for February, 1891? A. February.

Q. February, 1891. Patrick Connolly — how many days on the time book and how many days on the pay-roll? A. I haven't got the pay-roll.

(Counsel presents to witness the pay-roll for the month of February.)

A. Time book 24 days; pay-roll 24 days.

Q. Just look at the time book again and see if it is not only 23 days on the time book? A. Yes, sir; there is a day off — 23. It is 23 days on the time book and 24 days on the pay-roll.

Q. Now look at the pay-roll and time book for the month of April.

(Counsel presents to witness the pay-roll for the month of April.)

A. For April; yes, sir.

Q. Lawrence Kenny? A. He is a tinsmith. Lawrence Kenny — 25 days on the time book, and 26 days, with an alteration, on the pay-roll. Do you wish to see that?

Q. The alteration — what is the alteration? A. It is from 25 to 26.

Q. It is a change from 25 to 26? A. Yes, sir.

Q. Now will you look at the pay-roll for May — William Coffey? (Counsel presents to witness the pay-roll for the month of May.)

A. Coffey — that is in the engineer's department — a fireman.

Q. Is he on the time book? A. Yes, sir.

Q. How does he appear upon the time book? A. I am just going to look now, (Witness examines pay-roll.) He is a fireman, he has got full time.

Q. I want to know whether he appears upon your time book for that month? A. Yes, sir.

Q. For how many days? A. For 30 days, I think — a full month.

Q. But he gets paid by the month, does he not? A. By the year, \$600 a year.

Q. Six hundred dollars a year, or \$50 a month? A. Yes, sir.

Q. Why is he on the time book when he gets paid by the month or the year? A. They are all on the time book.

Q. All firemen? A. All firemen and engineers.

Q. Look at the month of June—Matthew Martin. How many days on the time book, and how many days on the pay-roll?

(Counsel presents to witness the pay-roll for the month of June).

A. He is a painter. Eight days on the time book, and 13 days on the pay-roll.

Q. Just look at the pay-roll for June and see if there are any masons on it? A. Yes, sir.

Q. How many? A. Eight.

Q. Eight masons? A. Nine I guess.

Q. Well, eight or nine? A. Nine.

Q. At how much a day? A. Four dollars a day.

Q. For how many days each? A. George Meyers, 26 days; Ed. Newman, 26 days; Philip Clark, 26 days; John Conklin, 26 days; William Hannon, 24 days; Hugh Freel, 18 days; Dennis Murphy, 26 days; T. Lynch, 25 days.

Q. Those are all masons? A. And Anthony Wilson, 12 days.

Q. Is there any mark opposite their names there in brackets? A. Yes, sir. They have got them here marked on the penitentiary roof account.

Q. You stated 2 or 3 masons were only employed on that roof, Mr. Canna? A. At times; yes, sir.

Q. Now, you have got 9 masons in the month of July, working about 200 days between the 9 of them. Was there that much work

on the penitentiary roof of masons in building one fire wall? A. I don't think they have got that right.

Q. But the pay is all right? A. Yes, sir. The pay is all right. The masons were there but they were distributed all through the building.

Q. In whose hand writing is the brackets? A. I couldn't say. They didn't have all them men working there.

Q. In your opinion they did not have as many men working on that roof? A. Not on that roof; no, sir.

Q. They did not? A. They might have been there for a day or two but they did not work that whole month there.

Q. Now look at the July pay-roll and see if there were any masons employed that month? (Counsel presents to witness the pay-roll for the month of July.) A. Here is another bracket; the same thing, sir.

Q. That is to say you find nine masons? A. Yes, sir.

Q. Working about two hundred days, and it is marked in the brackets that they worked on the penitentiary roof too? A. No, sir; they did not.

Q. It says so? A. Yes, sir; but it is not so.

Q. What object would anybody have in marking them there on the pay-roll unless it is so? A. I don't know; it is not so.

Q. Just look for Charles Fisher on the same pay-roll and see how many days he was on the pay-roll and time book? A. This might have been on the penitentiary wall and not on the workshop.

Q. The brackets say it was on the penitentiary roof? A. Yes, sir; but you know the penitentiary wall was all pointed up and the coping was all relaid.

Q. Oh, yes, sir, we have got that in various ways? A. Well, this is not right.

Q. Now, just look at the name of Charles Fisher for that month on the time book for that month, and on the pay-roll? A. Fifteen days on the time book, and twenty-seven days on the pay-roll.

Q. There is several dots on that time book, ain't there? A. Yes, sir.

Q. What does it mean, that they were sick, or that you were told that he was sick? A. I was told that he was sick.

Q. Now, look at the August pay-roll and time book, please? (Counsel presents to witness the pay-roll for the month of August.)

A. What do you wish, counsellor?

Q. Hugh Freel? A. Yes, sir, Hugh Freel is on the time book twenty-one days and three hours.

Q. And on the pay-roll? A. Twenty-two days and one hour on the pay-roll.

Q. Edward Lynch, how many days on the time book for Edward Lynch? A. On the time book he is twenty-four days and four hours; on the pay-roll he is thirty days.

Q. Oh, there were not that many working days in August? A. He didn't work that many. It must have been that he was absent the month before. That is the only way that I could explain it.

Q. Well, see if you can find anything to explain to Mr. McCloskey's situation in that month? A. McCloskey?

Q. He gets 38 days in that month? A. He has got 26 days on the time book and 38 days on the pay-roll.

Q. Now just look at the number of masons that were employed in the month of August that year? A. Eleven I see.

Q. Eleven masons, and they got \$4 a day? A. Yes, sir.

Q. Well, now, do you find any brackets that that is charged to the — A. There is 13.

Q. At \$4 a day? A. Yes, sir.

Q. Charged to the penitentiary roof account? A. No, sir.

Q. Just look? A. No, sir. They did not work on the penitentiary roof.

Q. I am asking you what you find upon the pay-roll, Mr. McCanna. I will ask you the other thing afterwards. Don't you find on the pay-roll that it is charged to the penitentiary roof? A. Yes, sir — on the pay-roll; yes, sir.

Q. Yes. And to your knowledge they did not work on the penitentiary roof? A. No, sir.

Q. It seems to have been a good account to charge them too, it lasted so long. Now will you look at the September time book and pay-roll. Do you find any masons employed in that month.

(Counsel presents to witness the pay-roll for the month of September.)

A. It is the same on the penitentiary again. Fourteen masons.

Q. At \$1 a day? A. Yes, sir.

Q. Do you notice any memorandum in brackets on there? A. Yes, sir.

Q. And also charged to the penitentiary roof? A. The penitentiary roof.

Q. And what was it worth to make that fire wall there? A. Those fire walls?

Q. You know what they were worth, give us an estimate. A. I can tell you to start with, counsellor, they did not work on to it.

Q. I know, but I want to know what it would cost to put on the wall if you know? A. About \$800.

Q. Well, in the month of August it cost \$1,052 for masons, charged to penitentiary roof; in the month of September, it cost you about the same. Now I will show you the month of October—they seemingly haven't got through with the roof account yet. Look at the month of October and see—I think they increased the number of masons that month. There must have been something happened to the roof, Mr. McCanna.

(Counsel presents to witness the pay-roll for the month of October.)

A. Yes, sir.

Q. Just see how many masons were employed in the month of October? A. Seventeen.

Q. Is there anything marked on that? A. Penitentiary roof.

Q. You paid out that month \$1,226 for that roof. Now, I show

you the pay roll for the month of November. See if you find any masons employed in November.

(Counsel presents to witness the pay-roll for the month of November.)

A. Here we are again—17.

Q. How many? A. Seventeen.

Q. And do you notice any memorandum on that? A. Penitentiary roof. They don't make so much time though.

Q. Now, look at the December pay-roll, please, and compare it with the time book and state how many days Joseph Altenbrand appears upon the time book? (Counsel presents to witness the pay-roll for the month of December.) A. He worked eight days.

Q. That is, there is eight days on the time book? A. Yes, sir.

Q. And how many days on the pay-roll? A. Twenty-seven days.

Q. John Dunn? A. John Dunn, twenty-four days on the time book and twenty-seven days on the pay-roll.

Q. Lawrence Dowling? A. Twenty-seven days on the book and twenty-seven days on the pay-roll.

Q. Twenty-seven days on the time book? A. Yes, sir.

Q. Are you sure about that? A. Yes, sir.

Q. John Stanton? A. The same thing.

Q. See if it is 27 or 26? A. Dowling's is 26 days on the time book, in place of 27.

Q. And 27 on the pay-roll? A. Yes, sir.

Q. John Stanton? A. Stanton — 26 on the time book and 27 on the pay-roll.

Q. Patrick Keating? A. 26 days on the time book, and 27 days on the pay-roll.

Q. Michael Murphy? A. Michael Murphy, 29 days.

Q. On the time book? A. On the time book.

Q. And 29 days on the pay-roll? A. Twenty-eight days on the pay-roll; he worked one Sunday and got two days' pay.

Q. He got two days' pay for working Sunday? A. Yes, sir.

Q. Is that usual? A. Yes, sir.

Q. It would pay a man to have all Sundays then? A. All mechanics in all shops in the country are allowed two days' pay for Sundays or nights.

Q. What do you find about John Conkling? A. He is a mason; John Conkling, 26 days on the time book and 27 days on the pay-roll.

Q. Matthew Martin? A. Matthew Martin makes no time on the pay-roll or on the time book — gets no time; and 26 days on the pay-roll.

Q. How is that? A. He is sick.

Q. Is he marked sick on the time book? A. Yes, sir.

Q. Marked sick for the whole month? A. Yes, sir.

Q. And is off for the whole month? A. Yes, sir.

Q. But there are 27 working days in that month; if he was only paid for 26 days, why was he not paid for the 27 days? A. Give 'em one extra.

Q. George Wilson? A. George Wilson, 26 days on the time book and 27 days on the pay-roll.

Q. Leonard Tracey? A. Nineteen days on the time book and 27 days on the pay-roll.

Q. Robert Allen? A. Robert Allen got 9 days on the time book and 27 days on the pay-roll — sick.

Q. Patrick Connolly? A. Twenty-six days on the time book and 27 days on the pay-roll.

Q. Michael Feeney? A. Twenty-one days on the time book, and 27 days on the pay-roll.

Q. William Nuttall? A. Twenty-three days on the time book, and 27 days on the pay-roll.

Q. Tim Flaherty? A. Twenty-six days on the time book, and 27 on the pay-roll.

Q. James Smith? A. James Smith — 26 days on the time book, and 27 days on the pay-roll.

Q. Patrick McGinnis? A. Twenty-five days on the time book, and 27 days on the pay-roll.

Q. Charles Fisher? A. Fifteen days on the time book, and 27 days on the pay-roll.

Q. Patrick Lynch? A. Worked 22 days on the time book, and 27 days on the pay-roll.

Q. Did you know whether any of these men whom you were told were to be marked sick were taken to the hospital at all for their various diseases? A. I remember Martin being taken to the hospital once.

Q. During all the time that he was marked sick he was taken to the hospital once? A. That is all I remember.

Q. How long was he there? A. I can't say; he was taken to the hospital and then taken home; he fell off a cart and got hurt.

Q. And of all the people marked sick he was the only one taken to the hospital? A. He was not taken to that hospital; he was taken to a hospital and then taken home.

Q. You do not mean to say that all the men who were sick were injured in their employment? A. There is one man, Murphy—he got his leg broke; he fell off a pole, electric wires, up at St. Johnland.

Q. Do you know why so many more of them got sick at certain seasons of the year—around election time and so forth? A. No, sir.

Q. You don't know anything about that? A. No, sir.

Mr. Schulz.—This committee will now adjourn until to-morrow morning at 10 o'clock.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON
AFFAIRS OF CITIES, AT A MEETING HELD WEDNES-
DAY MORNING, SEPT. 25, 1895, AT THE COURT HOUSE,
BROOKLYN, N. Y.

Present :—Messrs. Schulz, Whittet and Cole, of committee.

Mr. Hugo Hirsh, of counsel.

Patrick McCanna, having been recalled for further examination,
testified as follows :

By Mr. Hirsh :

Q. Mr. McCanna, I now recall your attention to the time book and
pay-roll for the year 1892.

(Counsel presents to witness the time book of the chief engineer
containing the time of firemen, engineers and mechanics during the
year 1892.)

Q. Will you state how many days Joseph Altenbrand is on the
time book, and how many days he is on the pay-roll ?

(Counsel presents to witness the pay-roll for the month of January,
1892.)

A. On the time book he was not there at all ; on the pay-roll he
shows 26 days.

Q. Edward Morrell ? A. Edward Morrell 23 days on the time book,
and 26 days on the pay-roll.

Q. Patrick Keating ? A. Twenty-four days on the time book, and
26 days on the pay-roll.

Q. Daniel Young ? A. He is with the painters ; 18 days on the
time book and 26 days on the pay-roll.

Q. Leonard Tracey ? A. Three days on the time book and 26 days
on the pay-roll.

Q. Matthew Martin ? A. Matthew Martin, allowed no time on the
time book, and 26 days on the pay-rol —“ sick,” he is marked.

Q. He is marked sick ? A. Yes, sir.

Q. I will get at that in a minute ; there are a great many sick pages on that time book, and I will get you to explain them in a minute Mr. McCanna. A. All right, sir.

Q. Terrence Corrigan? A. Twenty-five days on the time book, and 26 days on the pay-roll.

James Flynn? A. Twenty-five days on the time book, and 26 days on the pay-roll.

Q. Thomas Moran? A. He is a tinsmith ; 24 days on the time book, and 26 days on the pay-roll.

Q. Lawrence Kenny? A. He is a tinsmith too—Lawrence Kenny, no time on the time book, and 26 days on the pay-roll.

Q. Miles Sweeney? A. Eighteen days on the time book, and 26 days on the pay-roll.

Q. Tim Flaherty? A. He is a blacksmith—15 days on the time book and 26 days on the pay-roll.

Q. James Smith? A. Sixteen days on the time book and 26 days on the pay-roll.

Q. Albert Zissard? A. Two days on the time book and 26 days on the pay-roll.

Q. Charles Fisher? A. Twenty-one days on the time-book, and 26 days on the pay-roll.

Q. Patrick McGinnis—you got McGinnis? A. Yes—11 days on the time-book and 26 days on the pay-roll.

Q. What are the marks on that page, or those pages, for January, 1892? A. Absent and sick.

Q. Are there many of them? A. Well, yes, sir—quite a lot.

Q. In whose handwriting are they? A. That is Murphy's handwriting, I think.

Q. Well, was it done at your direction? A. Yes, sir—it must have been.

Q. Are there any other marks than sick marks on that page? A. There is a man named Fisher here, excused.

Q. What does that mean? A. That means that he was excused by some of the commissioners.

Q. Have you any idea, Mr. McCanna, what the amount of the sickness for that one month of January, 1893, amounted to? A. I have not—no, sir.

Q. Four hundred and ninety-nine dollars; do you know whether the attention of the commissioners was ever called to such extravagance as that? A. They must have known of it, of course.

Q. When men work 3 days and are paid for 26 days, and work 2 days and are paid for 26 days, and work no days and are paid for 26 days? A. Yes, sir.

Q. A great deal of money is wasted in that way, when the salaries run from \$2.50 to \$4 a day? A. Yes, sir.

Q. You appreciate that, don't you, Mr. McCanna? A. I don't.

Q. Private individuals would hardly do that? A. No, sir.

Q. Now, look at the month of February and compare it with the time book, please?

(Counsel presents to witness the pay-roll for the month of February, 1892.)

A. Who do you wish, Mr. Hirsh?

Q. You may begin with Mr. Altenbrand. A. No time on the time book, and 25 days on the pay-roll.

Q. What appears on the time book for that month? A. "Sick."

Q. For the whole month? A. Yes, sir; and the month before that.

Q. Patrick Keating? A. Twenty-two days on the time book, and 25 days on the pay-roll.

Q. Robert Allen? A. He is a painter; 23 days on the time book, and 25 days on the pay-roll.

Q. Leonard Tracey? A. Nineteen days on the time book and 25 days on the pay-roll.

Q. James McGuire? A. Twenty-four days on the time book, and 25 days on the pay-roll.

Q. William Simpson? A. William who?

Q. I say, William Simpson? A. William Simpson, not on the time book; 25 days on the pay-roll.

Q. James Flynn? A. James Flynn, 23 days on the time book and 24 days on the pay-roll.

Q. Tim Flaherty? A. He is a blacksmith, 21 days on the time book, and 24 days on the pay-roll.

Q. Patrick McGinnis? A. Fourteen days on the time book and 25 days on the pay-roll.

Q. James Smith? A. James Smith, 11 days on the time book, and 25 days on the pay-roll.

Q. Albert Zissard? A. Thirteen days on the time book, and 25 days on the pay-roll.

Q. Patrick Britt? A. Nineteen days on the time book, and 25 days on the pay-roll.

Q. That makes an over payment for that month of \$301.50?
A. Yes, sir.

Q. You have no explanation or cause for that? A. No, sir.

Q. Now, if you will look at the month of March, please.

(Counsel presents to witness the pay-roll for the month of March, 1892.)

A. Yes, sir.

Q. Joseph Altenbrand? A. Eighteen days on the time book, and 27 days on the pay-roll.

Q. John Dunn? A. Twenty-five days on the time book, and 27 days on the pay-roll.

Q. Lawrence Dowling? A. Dowling, 26 days on the time book, and 27 days on the pay-roll.

Q. Edward Morrell? A. Twenty-six days on the time book, and 27 days on the pay-roll.

Q. Terrence Corrigan? A. Terrence Corrigan is a painter; Terrence Corrigan, 24 days on the time book, and 27 days on the pay-roll.

Q. John Yerkes? A. John Yerkes, 26 days on the time book and 27 days on the pay-roll.

Q. Tim Flaherty? A. He is a blacksmith; Flaherty, blacksmith, 15 days on the time book, and 19 days on the pay-roll.

Q. James Smith? A. James Smith, no time on the time book, and 27 days on the pay-roll.

Q. Charles Fisher? A. Charles Fisher, 6 days on the time book, and 27 days on the pay-roll.

Q. William Simpson? A. He is a painter: he is not on the pay-roll at all—or on the time book at all, and 27 days on the pay-roll.

Q. Now, will you look at the month of April? (Counsel presents to witness the pay-roll for the month of April, 1892.) A. Yes, sir.

Q. Edward Morrell? A. He is a carpenter; 22 days on the time book, and 26 days on the pay-roll.

Q. George Farrell? A. Carpenter.

Q. You won't find him on the pay-roll, Mr. McCanna? A. No; I can't see him.

Q. Just look on the time book? A. He is not here.

Q. He is not on the pay-roll? A. No, sir.

Q. Just see on the time book; do you find him on the time book? A. No, sir; he must have given a wrong name, that is the only way I can explain it.

Q. Is he on the time book? A. Yes, sir.

Q. For how long? A. Twenty-six days.

Q. Do you think he appears on the pay-roll in another name? A. I think so; yes, sir.

Q. Was that frequently done? A. Yes, sir; I remember three or four cases of that kind; I don't remember this particular case.

Q. What did they do that for, Mr. McCanna? A. I couldn't tell you.

Q. Well, did one man go under two or three names? A. I hired an electrician once up in St. Johnland, and he went by the name of Jones, I think.

Q. It couldn't have been Smith? A. No; — or something like that, and when they went to pay him, he said his name was something else; some man, I suppose, that was put to work and he was working there, and they substituted some other fellow in his place; that is the way I can account for it; so they hired Tom Jones, and Tom Jones wouldn't come to work and Jim Smith took his place; that is all; whatever first name that I got went on to the pay-roll; I didn't change it; that is, it went on to my time book; they may have changed it on the pay-roll.

Q. Could it be possible that one man by giving two mens' names could get two mens' pay? A. I don't think so; still, I wouldn't say so.

Q. That depended upon the commissioners? A. On the commissioners; yes, sir; there is two or three cases of that kind that I remember; he came and gave his name to me, and when he went to get his money it was not his name but another name; you understand it.

Q. William Simpson? A. William Simpson is not on the time book, but is on the pay-roll.

Q. How long on the pay-roll? A. Twenty-six days.

Q. John Yerks? A. Worked 25 days; the time book shows 25 days and the pay-roll 27 days.

Q. James Flynn? A. He is a blacksmith; 22 days on the time book and 26 days on the pay-roll.

Q. Alexander Stewart? A. He is a tinsmith; this Alexander Stewart —

Q. What is the matter with Stewart? A. Alexander Stewart was employed on the sixth of the month, and credited on the book with 22 days, and on the pay-roll with 26 days.

Q. James Smith? A. James Smith, six days on the time book and 26 days on the pay-roll.

Q. Charles Fisher? A. Seventeen days on the time book and 26 days on the pay-roll.

Q. Will you look at the pay-roll for the month of May?

(Counsel presents to witness the pay-roll for the month of May 1892.)

A. Yes, sir.

Q. Patrick Keating? A. He was a carpenter; Patrick Keating, 22 days on the time book and 26 days on the pay-roll.

Q. William Simpson? A. He is a painter; William Simpson is not on the time book, and shows 26 days on the pay-roll.

Q. Did you know this man Simpson? A. Yes, sir.

Q. What was the matter with him? A. I don't know.

Q. Well, it appears that 11 months out of the 12 he did not do a stroke of work, and was paid for 12 months? A. He was transferred without my knowledge, according to the time book.

Q. You did not know anything about it at all? A. I know he was there—he was a painter and worked at St. Johnland.

Q. And you knew that he drew his pay? A. I didn't know that he drew his pay; I gave him time for what he worked.

Q. But you gave him no time for 11 months of the year 1892—but the commissioners allowed him this time? A. I don't know that he worked them 11 months—he did work in the department some time.

Q. You have got him down for January, but all the rest of the year you have not got him down? A. If he ain't on the time book he couldn't have done my work for me; everybody is on there that did work.

Q. John McLoughlin? A. John McLoughlin, tinsmith; John McLoughlin worked 16 days—26 days on the pay-roll; that is, he shows sick.

Q. That is, he is marked sick? A. Yes.

Q. Miles Sweeney? A. Twenty-five days on the time book and 26 days on the pay-roll.

Q. Joshua V. Brown? A. Twenty-five days on the time book and 26 days on the pay-roll.

Q. Alexander Stewart? A. Alexander Stewart, 24 days on the time book and 26 days on the pay-roll.

Q. Thomas Barry? A. He is a blacksmith's helper; 17 days on the time book and 26 days on the pay-roll.

Q. Charles Fisher? A. He is a boilermaker; 23 days on the time book and 26 days on the pay-roll.

Q. Look at the month of June, please—Patrick Keating.

(Counsel presents to witness the pay-roll for the month of June, 1892.)

A. He is with the carpenters; 22 days on the time book and 26 days on the pay-roll.

Q. Edward Newman? A. He is with the masons; Edward Newman, no time on the time book, and 26 days on the pay-roll.

Q. John Conkling? A. He is a mason; 23 days on the time book and 26 days on the pay-roll.

Q. William Simpson? A. William Simpson don't appear on the time book; he gets 26 days on the pay-roll.

Q. John Doherty? A. John Doherty is a steamfitter; John Doherty gets 1 day on the time book and 26 days on the pay-roll.

Q. Now look at the month of July—Lawrence Dowling?

(Counsel presents to witness the pay-roll for the month of July, 1892.)

A. Twenty-five days on the time book and 26 days on the pay-roll.

Q. William Simpson? A. He is a painter, ain't he; he don't appear on the time book, and has 26 days on the pay-roll.

Q. Miles Sweeney? A. He is a tinsmith; Miles Sweeney, 17 days on the time book and 26 days on the pay-roll.

Q. James Smith? A. Seven days on the time book and 26 days on the pay-roll.

Q. Now will you look at the pay-roll and time book for the month of August?

(Counsel presents to witness the pay-roll for the month of August 1892.)

A. Yes, sir; what name?

Q. Philip Clark? A. Philip Clark is a mason ; 18 days on the time book, and 27 days on the pay-roll.

Q. William Simpson? A. You will have to hunt for him—he appears everywhere ; he don't appear on the time book, and 27 days on the pay-roll.

Q. Terrence Corrigan? A. Nine days on the time book and 27 days on the pay-roll.

Q. Miles Sweeney? A. He is a tinsmith ; 15 days on the time book and 27 days on the pay-roll.

Q. Tim Flaherty? A. Flaherty is a blacksmith ; 6 days on the time book and 27 days on the pay-roll.

Q. Charles Fisher? A. He is a boiler maker ; 20 days on the time book and 27 days on the pay-roll.

Q. Now look at the pay roll and time book for the month of September?

(Counsel presents to witness the pay-roll for the month of September, 1892.)

A. Whose name?

Q. Philip Clark? A. He is a mason ; 25 days on the time book and 26 days on the pay-roll.

Q. William Simpson? A. William Simpson don't appear on the time book ; he gets 26 days on the pay-roll.

Q. Leonard Tracey? A. Leonard Tracey is a painter ; 20 days on the time-book and 26 days on the pay-roll.

Q. Well, that is the time when the ones are changed into naughts, ain't it, Mr. McCanna? A. Yes, sir.

Q. He was first marked "Present" the whole month? A. I couldn't tell you about that ; I couldn't tell you anything about that.

Q. What is that? A. I couldn't tell you anything about that.

Q. Didn't you see that it has been changed? A. Yes, sir ; it looks as though it has been changed.

Q. Well, who has been in your employ there for the past four or

five months attending to your books? A. There is Fitzsimmons and Larkin.

Q. For the past four or five months? A. Yes, sir.

Q. When did Larkin leave? A. Larkin was discharged two months ago.

Q. Tim Flaherty? A. He was a blacksmith; no time on the time book and 26 days on the pay-roll.

Q. Now do you notice on the time book, for that month, anything like 13 masons—do you see anything on your time book about 13 masons? A. No, sir.

Q. Do you see anything on your time book, for that month, about 8 steamfitters and 8 steamfitters' helpers? A. I think there is another book here with those in.

Q. What book? A. Another time book.

(Counsel presents to witness two other books.)

Q. Have you looked at all the time books? A. Not yet; no, sir.

(Witness continues examining books.)

Q. Mr. McCanna, if you wish to take a few minutes to look that up I will call Mr. Brennan and ask him a few questions? A. There is nothing to see here; I have looked here all over.

Q. You have looked at all the time books, have you? A. Yes, sir.

Q. And you do not find those masons and steamfitters, or steamfitters' helpers? A. No, sir; but they—

Mr. Pladwell.—You had better step over here to the table and look it up, Mr. McCanna.

The Witness.—All right.

(The examination of Mr. McCanna was here suspended.)

Mr. McCanna again takes the stand.

Q. Do you find those 13 masons, 8 steamfitters and 8 steamfitters' helpers? A. Yes, sir.

Q. On the pay-roll for that month? A. Yes, sir; I can tell you where they worked, counselor; I think there may be a memorandum of that somewhere; I thought they were on one of those books.

Q. Where did they work? A. They worked at the lunatic asylum; they built a boiler house and a chimney at Flatbush.

Q. You are sure about that? A. Yes, sir; some of them worked on the church.

Q. Some of these same men worked on the church? A. Some of them—very few.

Q. Why don't their names and their time appear in your time book? A. I think that they were extra mechanics.

Q. How is that? A. I think that they were extra mechanics, and I think they were on one part of those books, but I can't find it; they were a lot of extra mechanics, you know.

Q. They would appear upon the book if they had been there? A. They ought to have been on one of those books.

Q. They ought all of them to have been on? A. Yes, sir.

Q. When was the church built that you speak of? A. I think in 1894 or 1893.

Q. 1893? A. There was some of them at that time.

Q. These mechanics in 1892 could not have built the church in 1893? A. No, sir.

Q. Consequently, these particular mechanics, if they were used at all, could only have been used in that year, whatever it was? A. They worked on the penitentiary wall a great many of them.

Q. Well, did they work? A. Yes, sir.

Q. How do you know? A. Because I was there.

Q. You do not mean to say that any steamfitter worked on the penitentiary wall? A. No, sir; they worked in the lunatic asylum and put a new steam plant in there.

Q. You think these steamfitters and steamfitters' helpers worked in the lunatic asylum? A. Yes, sir.

Q. In the statement that you rendered me you have this clause: "Asylum, August, 1892, to July, 1893, inclusive: New boiler house, including air duct and chimney, material, consisting of brick, lumber and

tin, amounting to \$7,636.42 ; new steam heating plant, material, consisting of steam pipe and fittings and radiators, amounting to \$11,913.61 ; labor on boiler house and steam heating plant, \$15,596.25 ; department extra mechanics, material for the year, \$40,427.40 ; labor, \$27,537.20 ; ” do you include those mechanics that appear in that September payroll in this statement as appears on your statement? A. Yes, sir ; I think some of them worked there ; I think it was started in 1892.

Q. Well, where did you get these memorandums to make up this statement if those mechanics did not appear upon your time book?

A. Well, I imagined that they did appear upon my time book, or one part of it, but I can't find it ; they don't seem to be there.

Q. Have you looked all through them? A. Yes, sir.

Q. There are no pages torn out? A. I haven't examined it.

Q. You had better look at it—this has been in my custody and I do not want to be charged with tampering with it? A. I don't charge you, counselor—I will look up there and see if there is any book that has got the time.

Q. You think you may have some special book? A. Yes, sir ; I will make more inquiries.

Q. Now will you look at the month of October?

(Counsel presents to witness the pay-roll for the month of October, 1892.)

A. Yes, sir.

Q. William Simpson? A. William Simpson don't appear on the time book—he has 26 days on the pay-roll.

Q. Tim Flaherty? A. He is a blacksmith ; 6 days on the time book, and 26 days on the pay-roll.

Q. Well, isn't it marked that he is dead? A. Marked sick.

Q. Marked sick? A. Yes, sir.

Q. Just see if he is not marked “dead” on the pay-roll? A. William Simpson?—

Q. Tim Flaherty? A. Oh, Flaherty—yes, sir.

Q. James Smith? A. Twenty-two days on the time book, and 26 days on the pay-roll.

Q. Thomas Barry? A. Twenty-two days on the time book, and 26 days on the pay-roll.

Q. Charles Fisher? A. Fourteen days on the time book, and 26 days on the pay-roll.

Q. Can you explain why they marked Flaherty dead on the pay-roll? A. Yes, sir.

Q. Why? A. He died.

Q. Yes—but why did they mark it so on the pay-roll? A. Yes, sir.

Q. Was it for the purpose of preventing him from being on the pay-roll for the next month? A. Well, I can't tell.

Q. Were they in the habit of paying salaries to dead men? A. I don't remember any; I couldn't say that he got paid at that.

Q. Who got that pay; how is that receipted for? A. "Margaret Flaherty."

Q. Now, will you see whether for that month 18 masons and 9 steamfitters and 9 steamfitters helpers appear? A. That is right.

Q. On the time book, Mr. McCanna? A. No, sir—that is what I was looking for.

Q. They appear upon the pay-roll, but not upon the time book? A. No, sir.

Q. Do you know where those worked? A. Yes, sir.

Q. Where? A. At the lunatic asylum.

Q. All of them? A. Sir?

Q. All of them? A. Well, yes; I think they all worked.

Q. Eighteen masons in the lunatic asylum? A. They might have worked part of them at the other buildings, but they were building a house there and building a chimney.

Q. Building a chimney where? A. At the lunatic asylum.

Q. But they were building that the month before? A. Yes, sir; but it took a long while to do it.

Q. Do you know what kind of a chimney they built to take 13 masons one month and 18 masons another month there? A. There was a house, too.

Q. What kind of a house? A. A house 50x100.

Q. What was it used for? A. A boiler house.

Q. It was a common ordinary house? A. Yes, sir.

Q. Only one story? A. That is all—about twenty feet high.

Q. And it was taking these masons working regularly those two months to build it, with the chimney? A. Longer than that; it took several months.

Q. And that is what they were working at? A. Well, there might have three or four of them been doing something else—repairing furnaces; the majority of them was there.

Q. You don't know anything about it at present? A. Yes, sir.

Q. Do you know exactly how many were working at the lunatic asylum or elsewhere? A. No, sir; not to a man.

Q. You have no time of theirs in your book? A. I had at that time.

Q. Have you any other time books than these? A. That I will see about.

Q. At present before the committee now, in court, you have no time book showing the time of those masons and steamfitters and steamfitters' helpers? A. No, sir.

Q. What was this boiler house built of? A. Brick.

Q. One story high? A. That is all.

Q. And 21 feet high; is there any cellar underneath? A. It is mostly all cellar, mostly all underground.

Q. It is mostly all underground? A. Yes, sir.

Q. And the cellar was dug mostly by the convicts? A. No, sir; by the patients of the insane asylum.

Q. And there was no expense attached to that? A. No, sir.

Q. The only expense was the brick work, the stone work and the lumber? A. Yes, sir.

Q. That is all, was it not? A. Yes, sir.

Q. What do you think is the value of such a building as that? A. It was a cheap building.

Q. No; I want to know what your opinion of the value of such a building would be without taking the cellar into account? A. The building alone, you mean?

Q. Yes, sir. A. Eight thousand dollars or \$10,000.

Q. And you consider that cheap for a one story building? A. Yes, sir.

Q. How large was it? A. Fifty feet wide by 100 or 120 feet long.

Q. What kind of stone was it? A. It ain't stone; it is brick.

Q. All brick? A. All brick except the sills; yes, sir; 16-inch wall.

Q. And that \$10,000 was mostly expended in labor? A. I think so; yes, sir; but then there was other work besides that; of course, that is just for the building; you are speaking now about the building?

Q. The building—yes, sir. A. That is only a guess; I don't remember just exactly.

Q. I simply wanted to know what your opinion was approximately; now, will you look at the month of November—the pay-roll and time book? (Counsel presents to witness the pay-roll for the month of November, 1892.) A. Yes, sir.

Q. William Simpson? A. Counselor, William Simpson don't appear on the time book—he appears on the pay-roll 26 days.

Q. Miles Sweeney? A. Twenty-three days on the time book and 26 days on the pay-roll.

Q. F. H. Stillman? A. He don't appear on the time book; he appears on the pay-roll 26 days; it looks as though that has been—
(Witness presents paper to counsel,)

Q. It looks as though what has been? A. Written in.

Q. Written in? A. Yes, sir.

Q. That is, written in after the pay-roll had been prepared—is that

what you mean, Mr. McCanna? A. Well, it is a different handwriting; yes, sir.

Q. And different ink? A. Yes, sir.

Q. Now, upon that same pay-roll there appear again 18 masons, 10 steamfitters and 9 steamfitters' helpers and 4 carpenters who do not appear on the time book; was that upon the same building? A. Yes, sir—the most of it has been done upon that building.

Q. Now, will you look at the pay-roll for the month of December? (Counsel presents to witness the pay-roll for the month of December, 1892.) A. Yes, sir.

Q. F. H. Stillman? A. Stillman don't appear on the time book; he heads the pay-roll.

Q. With how many days? A. With 27 days.

Q. John Dunn? A. He is with the carpenters; 21 days on the time book—there is no excuse—27 days on the pay-roll.

Q. No excuse, and no sickness? A. It don't show so.

Q. Edward Morrell? A. Twenty-two days on the time book, and 27 days on the pay-roll.

Q. William Simpson? A. He is a painter, ain't he; yes, sir; I have got him—he don't appear on the time book; 27 days on the pay-roll.

Q. William J. Callahan? A. He is on the time book for 25 days, and on the pay-roll for 27 days.

Q. Thomas Barry? A. He is with the blacksmiths; 11 days on the time book, and 27 days on the pay-roll.

Q. Do you find Samuel Hilton on the time book and pay-roll? A. He is with the tinsmiths; yes, sir.

Q. The same number of days? A. No, sir; yes, sir; 27 days on both.

Q. Is he credited on the time book with having worked 12 days in November? A. Yes, sir.

Q. He did not appear upon the November pay-roll; do you know

how that can be explained, Mr. McCanna? A. Why, he didn't get paid; I suppose he didn't go after his money.

Q. If he appears upon your time book for that month, for November, he ought to have been on the November pay-roll? A. Sure—yes, sir; without he got paid specially in the office by one of the commissioners.

Q. If he was paid specially by one of the commissioners he ought not to appear on the December pay-roll? A. Not for the 12 days; no, sir.

Q. Now, will you look at Patrick Lynch and see how he appears on the pay-roll, whether as a blacksmith or a blacksmith's helper. A. He appears on the time book as a blacksmith's helper; on the pay-roll as a blacksmith.

Q. Which gets the most pay, the blacksmith's helper or the blacksmith? A. The blacksmith; but he is really a blacksmith.

Q. He is really a blacksmith? A. Yes, sir; he is working there now.

Q. Why does it not so appear? A. That is what he was employed as—as a blacksmith's helper.

Q. He was employed as a blacksmith's helper? A. Yes, sir.

Q. Why did he appear on the pay-roll and get a blacksmith's pay? A. I suppose they rated him as a blacksmith after some months.

Q. You would rate him yourself as a blacksmith? A. I don't rate anybody; if a man is employed as a painter I put him to work painting.

Q. The commissioners can be guided by nothing else except the information that you give them? A. They were never guided by my information.

Q. Do you mean to say if you employed a man, say as a blacksmith's helper — what does he get a day? A. But I never employed a man.

Q. Wait a moment; how much does he get a day? A. Two dollars and fifty cents.

Q. Would they give him payment at \$4 a day as a mason? A. I suppose so, if they wanted to.

Q. So that whatever a man may be employed at, you would be no guide to the commissioners in rating him? A. No, sir.

Q. Now, will you look at the pay-roll for the same month, December — 6 masons, 10 steamfitters and 10 steamfitters' helpers, and 5 carpenters — who do not appear on the time book for that year? A. That is all right, counsellor.

Q. You have no record of that here? A. Not here; no, sir — not that I can find.

Q. The masons, steamfitters and carpenters employed during the months of September, October, November and December, of which you have no time, their pay amounts to the following: \$1,703.50 in September; \$3,254 in October; \$2,914.75 in November and \$2,422.75 in December, a total of \$10,295; will you try and find what record you can of that, Mr. McCanna? A. Yes, sir; I will.

Mr. Hirsh.—I would like to give the witness an opportunity of looking this up so that we may have it in its order after recess. I would suggest a recess now, if the committee please.

The Witness.—Counsellor, I can't find that record in that time. I can't go to Flatbush and back before 2 o'clock.

Mr. Hirsh.—All right, Mr. McCanna, I will tell you about it.

The committee here took a recess until 2 o'clock.

PROCEEDINGS OF WEDNESDAY AFTERNOON, SEPTEMBER 25, 1895.

Present.—Messrs. Schulz, Whittet and Cole, of the committee. Mr. Hirsh and Mr. Pladwell, of counsel.

Patrick McCanna, having been recalled for further examination, testified as follows:

By. Mr. Pladwell:—

Q. You have been over the time book for the year 1891 and '92 this morning? A. Yes, sir.

Q And you noticed the number of absences and the number of sick that were noted on the time book? A. Yes, sir.

Q. Did that same ratio of absence on account of sickness continue right straight along in subsequent years, about the same? A. Well, yes; that is about the average.

Q. That is, while they are not marked sick in 1891, just simply being marked absent, the cause of that absence was that they were reported to you as being sick? A. Yes, sir.

Q. And that same ratio kept up, probably a little more, in 1892? A. Yes.

Q. Did that same ratio of sickness and absence continue in 1893? A. According to the number of men.

Q. Yes, the same ratio of sickness? A. Yes.

Q. Now, will you look at the time book of 1893; look at January, February, right straight along, and see if you find many of the mechanics mentioned on that time book as being absent during that year on account of sickness, or for any other cause (witness shown time book for 1893); take January for instance? A. Yes, I have got it.

Q. Now, in January, 1892, the time book of 1892 shows absence on account of sickness to the extent of about \$100? A. What year did you say?

Q. January, 1893; do you notice during that month, on those two pages and the page following, which is also in the month of January, any number of absences on account of sickness? A. Yes, I see one on this page.

Q. For how many days? A. Three days.

Q. Now turn over to the next month? A. I see here is another one for one day; oh, those are among the engineers.

Q. Three days altogether in that month? A. Five days.

Q. Now turn over to February? A. I want to call counsel's attention that these mostly were engineers and firemen.

Q. I don't mean those ; I mean mechanics ? A. Then there is no—

Q. No mechanics. A. Not on there ; you mean just for sickness ?

Q. Sickness or for any cause ; are there any absences marked there that you notice ? A. Yes ; there is 22 days here.

Q. One man ? A. Yes.

Q. That is how many days out ? A. Three days out.

Q. Any other ? A. Yes, sir ; eight days out.

Q. Eight days out that month ? A. No, this is one man ; it will take some time to go over the whole of it ; I see James Hannan here is checked for the whole month, if that means anything.

Q. In January, 1892, you testified this morning that there were \$517 paid for labor that was not rendered to the county. A. That is the difference in the time book.

Q. The difference, yes. A. I don't know whether it was paid or not.

Q. Well, according to the pay-roll and time book ? A. Yes, according to the pay-roll.

Q. Now, how many days do you find that there are on that time book of men having been credited with being present ? A. That same month ?

Q. Who were sick ? A. You mean '93 ?

Q. Eighteen hundred and ninety-three, yes ; in the book you have got. A. Do you want the whole number ?

Q. Yes, just the number of men ; you can run them down rapidly ; I will give you the names ; John Dunn ; do you find his name there, carpenter ? A. Four days.

Q. Four days what ? A. Four days absent, it looks here.

Q. How many days is he credited at the end ? A. He is credited here with 31.

Q. Thirty-one days ? A. So it seems ; he is not credited ; 31 days in the month, I guess that means.

Q. Twenty-six days in that month, isn't there ? A. Twenty-six days, yes ; that would be 20 days he would be credited with ; here is another one, I think, counsellor—it looks like one.

Q. Point out the men on that time book that are marked as being sick, and the number of days? A. What is the next one?

Q. Well, I ask you now, how many men do you find during the month of January, on that time book, marked sick—call out their names? A. January, '93, one sick; Lawrence Dowling, three days; Miles Sweeney, one day sick.

By Mr. Hirsh:

Q. Is that all? A. That is all.

Q. How many do you find marked sick in February? A. Matthew Martin, three days sick—that is all.

Q. How many in March A. None.

Q. How many in April? A. None.

Q. How many in May? A. There is none.

Q. How many in June? A. There isn't any.

Q. How many in July? A. There is none in July.

Q. Well, look at the rest of the year—August, September, October, November and December—see whether there are any sick during the rest of the year? A. There is none.

Q. None the rest of the year? A. No, sir.

Q. And you say that there was the same ratio of sickness in '93 that there had been in '92 and '91, so far as your recollection goes? A. So far as my recollection goes—yes.

Q. How do you account for it that no sickness is marked on your time book during that year, except for three men? A. They must have attended better; couldn't have been so many according to the time book; I suppose the time book is right.

Q. Or is it possible that you were instructed by the commissioners to mark them all present? A. No, sir; I was not.

Q. You are sure about that? A. Yes, sir.

Q. Now will you look at the pay-roll of January, 1893. (Witness shown pay-roll.) State the difference between that and the time book as to John Dunn? A. Twenty-five the time book, pay-roll 26.

Q. Well, he is not marked sick? A. No.

Q. Lawrence Dowling, how many? A. Twenty-three on the time book, 26 on the pay-roll; he is marked sick.

Q. Lawrence Dowling is marked sick three days? A. Yes.

Q. Edward Morrow? A. Twenty-five days on the time book, 26 on the pay-roll.

Q. William J. Callahan? A. Seventeen days on the time book, 18 days on the pay-roll.

Q. Miles Sweeney? A. Twenty-five on the time book, 26 on the pay-roll.

Q. He is marked sick, isn't he? A. Marked sick—yes.

Q. One day? A. Yes, sir.

Q. Joshua Brown? A. Twenty-five on the time book, 26 on the pay-roll.

Q. Now there are a number of masons, steamfitters; and steam helpers and carpenters, of which you will find a list in the back of that time book; they are not in the regular part of the time book; just see if that was the list that you had reference to this morning? A. Yes, sir; that was the list.

Q. You had better look first before you answer. (Witness refers to time book.) Do you find such a list, Mr. McCanna? A. Yes.

Q. Now will you compare that list with the list of names that you will find below a red line on this pay-roll, and see if they are the same and state why they were not on the regular time book?

(Witness compares time book with pay-roll.)

A. Yes, sir; those are the men.

Q. What work did they do? A. They reheated the large asylum.

Q. Why weren't they placed upon the regular time book? A. Well, there was an appropriation made separate for that work, and I told the clerk to keep the time together so as there would be no trouble of getting at it; when the work was done we could tell just

how much it cost and how much was spent for that special appropriation to do that work.

Q. Have you been able during the recess to find the other names?

A. No, sir.

Q. Do you know how much that amounted to? A. I do not; no, sir.

Q. Reheating the asylum? A. Yes, sir.

Q. How long were they at work at that? A. I guess about five or six months—six months I believe.

Q. Was that in continuation of the other men that you referred to?

A. No, I think these are the same men.

Q. Those are the same men at the same work? A. No, I think that the pay-roll on that that you were examining this morning was the same as this, only for another month.

Q. For another month? You mean it was the same character of work? A. Same character, yes.

Q. And for the same purpose? A. Yes, sir.

Q. Was it continued on to January of 1893? A. Yes, sir.

Q. And did it continue on much longer? A. Yes.

Q. For how long? A. I think there was some working at it until March probably.

Q. You think they continued at it until 1894? A. I do, yes, sir.

Q. So from '92 until '94 these masons, steamfitters, steamfitters' helpers and carpenters, worked at that one job? A. Off and on, yes.

Q. What do you mean by off and on, Mr. McCanna? A. Well, as fast as the material would be ready—I think they worked a year at it, or worked seven months at it; I don't think they worked as long as—

Q. I will call your attention to it? A. Just call my attention—I am kind of a little mixed up on that.

Q. Have you any record for February of the same work? A. I think we have, yes, sir.

Q. I have figured out that in January these masons, steamfitters, steamfitters' helpers and carpenters, did work amounting to \$2,007.50?

A. That is right, sir.

Q. Now in February do you find them there? A. Yes, sir.

Q. Two masons, nine steamfitters, another steamfitter, at \$3 a day?

A. Ten steamfitters.

Q. Yes; 9 at \$3.50, 1 at \$3, 8 steamfitters' helpers and 4 carpenters?

A. That is right.

Q. Their work amounted to \$1,772; now in March you have 2 masons, 2 steamfitters, 2 steamfitters' helpers and 1 carpenter? A. That is right.

Q. Amounting to \$600.75; in April you have 4 masons, 1 steamfitter, 2 steamfitters' helpers and 1 carpenter? A. They didn't work at that.

Q. What did they work at? A. Oh, yes; that was finishing up.

Q. That was finishing up, eh? A. Yes, sir.

Q. That amounted to \$493.25; now in May you have 4 masons, 2 steamfitters, 2 steamfitters' helpers and 1 carpenter; is that the same work still? A. No, sir.

Q. What work is that? A. They worked at different buildings; there were extra men there that worked in the penitentiary, some of them; some at the hospital for incurables and some at the hospital.

Q. Why weren't they on the regular time book? A. Well, they were extra men; they were the same men that were employed, and after that work was done there we kept them on to do other repairs.

Q. Well, if they were the same men kept on to do other repairs why weren't they upon the regular time book? A. Well, that was kind of an error I suppose of the clerk; he continued them.

Q. It wasn't any special work; it was work wherever they were sent, wasn't it? A. That is right; yes.

Q. It wasn't any special work? A. No; it wasn't special work.

Q. So you think that was a matter only of the clerk? A. That is a matter of the clerk.

Q. Now in June you still have these same men, 4 masons, 2 steamfitters' helpers, a carpenter and a felter; what work was that? A. The felter felted the pipe; all the main pipe.

Q. What did the masons do? A. The masons cut in holes for ventilation in the building, different parts of it, and built additions to the air duct for ventilation.

Q. And the steamfitters' helpers? A. They helped—steamfitter's helper, I have got one of them a clerk.

Q. Well, there wasn't any special work then was there? A. No, sir.

Q. In July they are still the same, four masons, two steamfitters' helpers, a carpenter and a felter? A. That is special work.

Q. What special work? A. Felting.

Q. Well, how long a job did the felter have? A. I suppose the felter would have about six or eight months work, eight months.

Q. And where? A. Felt all the pipes that was exposed.

Q. In what building? In the asylum, large building.

Q. And he had about eight months work felting pipes? A. I think so, yes, sir.

Q. And you continued this in August, two steamfitters, two helpers and four carpenters and a felter. That was the same kind of work, was it? A. Five masons.

Q. What were the masons doing? A. They were repairing furnaces in the different institutions.

Q. Then that wasn't any special work? A. No, sir; but they were extra men at that time.

Q. Wasn't your time book supposed to contain the names of all the men employed? A. Yes, sir.

Q. Were you directed by any of the commissioners to make a special note of extra— A. No, sir; I was not.

Q. In September you have still four masons employed and 11 carpenters? A. Yes, sir; carpenters worked on the church.

Q. On the chapel? A. Yes, sir.

Q. Were any masons working on the chapel too? A. No, sir.

Q. Have you got a list of the 11 carpenters? A. There are only five carpenters.

Q. Only five carpenters? A. On this list. Those were extra men.

Q. Well, just look in the regular time book for that month, September, and see if you have got it?

(Witness refers to the time book and pay-roll and compares.)

Q. What do you find Mr. McCanna? A. I find that there is five men on the regular time book as mixed among the other men, and five on the special, and one not on at all.

Q. Yet you find eleven on the pay roll? A. Yes, sir.

Q. How do you account for that? A. I find it in another place.

Q. You find one man in another place? A. Yes, in the time book, together with another man, John Morrow.

Q. Well, how is that those men became so scattered on your time book? A. Just as they were appointed I suppose. This man makes only 12 days, and he is appointed some time in the month.

Q. Look at the pay-roll for February, 1893, and just compare Matthew Martin's account in the time book with the pay-roll?

(Witness compares time book and pay-roll.)

A. Twenty-one days on the time book, 24 days on the pay-roll.

Q. And Robert M. Hancock? A. Robert M. Hancock, 24 days on the time book, 25 days on the pay-roll, one more day than there was in the month.

Q. Now compare the pay-roll of March, with the time book. Miles Sweeney?

(Time book for March handed witness.)

A. Twenty-seven—27.

Q. Just look at that time book again, see whether he is not on 27 days? A. I see there is three erasures here. I can't hardly see it.

Q. There were three erasures there? A. Yes.

Q. And a mark of present over the erasures? A. Yes, sir, it is marked "1."

Q. That is, he was first marked absent and then marked present? A. Yes.

Q. Who does that, Mr. McCanna? A. Clerk.

Q. At whose instruction? A. Mine.

Q. And you would get the instruction from the commissioners?

A. Yes, sir.

Q. And did you also get instructions from the commissioners not to mark any of them absent or sick any more, as they would get their pay anyhow? A. I don't remember that.

Q. It might have happened and you forgotten it, Mr. McCanna?

A. Yes, sir.

Q. Now will you kindly look at the pay-roll for April, '93, William Kane? A. No time on the time book. He gets 25 days.

Q. On the pay-roll? A. Yes.

Q. Suppose you look at the special time book, see if you can find him there? A. No, sir, he is not there.

Q. John Conkling. Not on the time book, is he? On the regular time book? His name does not appear at all on the regular time book? A. No, sir. And on the special time book it appears 25 days, and on the pay-roll 16 days.

Q. How do you explain that? A. I can't explain that very well.

Q. He ought to get at least as much pay as you have him on the time book? A. Yes.

Q. Are you sure it stands for 25 days? A. The marks are there.

Q. No erasures? A. No, sir. It is footed up here.

Q. Well, look at James Hannan. You will find him on the extra time book? A. The time book calls 25 days, pay roll 9 days.

Q. Can you explain that? A. No, sir.

Q. The commissioners couldn't have given very much credit to your book-keeping that month, Mr. McCanna? A. No, sir, according to that.

Q. Now look at the pay-roll of May, 1893. (Pay-roll referred to handed to witness). Look at the name of Edward Newman, see if he is on the time book, on any of them? A. Edward Newman don't appear on the time book.

Q. Not on any of them? A. No, sir.

Q. How many days do they give him on the pay-roll? A. His name is on the regular, but there is no day. He has not got any time.

Q. No time given him that month? A. No, sir. He gets 27 days on the regular pay-roll.

Q. Now will you look at the pay-roll for August. Where do you find John Conkling's name on the time book? A. (Referring to August pay-roll.) Twenty-seven days on the extra and 27 days on the pay-roll.

Q. He appears on the special? A. Yes, sir.

Q. What work was he doing? A. He was working at the asylum.

Q. And that same kind of work that you were speaking of? A. Well, he was overhauling furnaces down there.

Q. Now look at the name of Joseph McCarthy. Is there an erasure under his name? You will find him on the special time book too. A. He is not on either one of the time books. He is down on the pay-roll for four days over an erasure.

Q. And he is not on any of the time books? A. No, sir.

Q. Can you find Dennis Murphy's name on any of the time books? A. Dennis Murphy on special time book, 27 days; 27 days on pay-roll. I guess the way to account for this, James Smith, now there is a case of that sort. James Smith is on the extra time book for four days, and his name happened to be Joseph McCarthy on the pay-roll. That is a case you were talking about this morning.

Q. Well, who receipted for it? A. Joseph McCarthy.

Q. Do you mean that Smith and McCarthy were the same person? A. I think so; yes, sir.

Q. Well, they don't sound alike. How do you account for it? A. Well, I think that Smith was hired by the commissioners and he had a better place and he wouldn't come to work for the charity, and he substituted McCarthy in his place, or the commissioners did. I don't say that he did.

Q. Just look at the pay-roll of September and see if Smith doesn't hang on to his job even in that month?

(September pay-roll handed witness.)

How does Smith appear on the September pay-roll? A. He appears as Joseph McCarthy.

Q. His name appears written in ink on the pay-roll, doesn't it? Smith's name? And with blue pencil "Joseph McCarthy over it?"

A. Yes, sir, two days.

Q. How does he appear on the time book? A. Twenty-six days.

Q. On the book? A. On the extra. Twenty-six days on the special and the two days on the pay-roll.

Q. Twenty-six days on the special time book? A. Yes, sir.

Q. And two days only on the pay-roll? A. Yes.

Q. How do you account for it? A. That is a mistake of the clerk's.

Q. You mean that he ought to have been paid for twenty-six days? A. No, he ought to have been paid for two days, and I guess that is all he was paid for.

Q. Why should his name appear present for twenty-six days on the time book? A. Must have been a mistake of the clerk's; I don't understand anything else; it shows that he didn't get the money.

Q. Now, if you will look at the special time book for October, and state how many carpenters appear employed on that month, October, on the time book? A. On the time book, special, ten.

Q. You know where they were employed, those ten? A. Yes.

Q. Where? A. At the church.

Q. Now, will you look at the pay-roll for October and tell me how many carpenters appeared there to have been employed for that chapel? A. Fourteen. (Referring to October pay-roll.)

Q. How do you explain that, Mr. McCanna? A. The only way I can explain that is, that from time to time, if there was any other

special work to be done at the buildings, I always took away men from the church to do it. I don't see why they marked this on this church.

Q. Well, the pay-roll appears upon its face to show that those particular carpenters were employed on the new chapel, and there are fourteen of them; that is so, isn't it? A. It appears on the pay-roll so, yes, sir.

Q. And appears upon your special time book, which was kept for the purpose of knowing what a particular kind of work would cost, that only ten carpenters were employed on the new chapel? A. Well, that is right. What is on the time book is right.

Q. Well, are all the things that appear on the time book right? A. No, sir, there is mistakes into it, but here I know that John Dunn and Dowling—I always took those men if there was any special work to be done about the buildings, because they knew the different parts. That is the only way I can explain it.

Q. What have you found? A. I find that there is 14 men on special work, and five men on the regular work; that is the special work, the church.

Q. Do you find that in the time book? A. Yes, sir.

Q. The 14 men? A. They are mixed up, yes.

Q. Well, weren't you keeping time for the purpose of seeing what that particular work would cost? A. Yes, sir.

Q. Well, how could you do that if you mixed up the employes? A. The commissioners wasn't keeping any time.

Q. No, but you were, and you say your time book is mixed up? A. The names is mixed.

Q. How could you tell what a particular kind of work would cost if you mixed them with the regular employes? A. Well, we kept them on the time sheet separate from the pay-roll altogether.

Q. Didn't you put them in this special time book? A. Put them in the special time book. We would put them in, sometimes,

as I said we had to call them away and put some other one in their place. If we put a new one in, we would take one of the old men away and put them in their place.

Q. Then your report with reference to the cost of a particular kind of work wouldn't be very accurate would it Mr. McCanna?

A. Yes.

Q. Where would you get it from? A. Get it from the men that worked there, and the material used.

Q. If you didn't keep the men's time accurately? A. Well, it was kept.

Q. Well, I asked you the question before about these 14 carpenters appearing upon the pay-roll there. You said you only found nine? A. Yes, till I looked.

Q. And you found the other five? A. Yes.

Q. Where did you find the other five? A. Found them in another portion of the book, on the regular time book.

Q. Then in going over the book in order to make an accurate report you would have to go over the special time book? A. Yes.

Q. And the regular time book? A. Yes. That is, now there is a sheet of paper like this kept with each man's time on, and as he was transferred, if he made half a day on the church or half a day at the lunatic asylum, it was on this special, but it was not put on the time book.

Q. If it was not put on the time book how could you tell how much time he spent on that special job? A. You could tell by those slips.

Q. By those sheets? A. Yes.

Q. How long did you keep those sheets? A. I don't know. I don't know whether we got them now or not. Probably we have. I don't know we have.

Q. Have you any special account for the month of December, of carpenters, masons, steamfitters and steamfitter's helpers, employed in the month of December? A. Nine masons, nine carpenters and one steamfitter's helper.

Q. What were they employed on? A. The steamfitter's helper employed as a clerk in my office.

Q. That was Fitzsimmons? A. Yes.

Q. And the carpenters? A. Carpenters employed finishing the chapel.

Q. And the masons? A. Masons at the lunatic asylum.

Q. Not in the penitentiary? A. Or in the penitentiary, some of them, and some of them, lunatic asylum.

Q. Have you any memorandum on that special time book showing what they were employed on? A. I don't see any. No, sir; there is nothing here to tell.

Q. How could you tell from that time book what they were specially employed on? A. The time of year.

Q. Well, did you have a particular time of the year when you would do a particular kind of work? A. No, sir; as the work was ordered by the commissioners. I had nothing to do with it.

Q. Then how can you tell by the time of the year what you did then? A. I was doing something this month I could tell.

Q. Well, what did you do in the penitentiary? A. Penitentiary, put in three new boilers.

Q. What particular month? I am not asking this for fun Mr. McCanna. I want to know your best recollection? A. No, sir; I don't remember.

Q. You don't remember. Is that the time you built the new cells in the penitentiary? A. Yes, sir.

Q. Are you sure about that? A. I think so, yes sir. We started the cells in 1893 and they were finished in '94.

Q. It was your duty then to keep a special account of the time that was used for those cells so that you could make a report of the cost of it? A. There was no special appropriation made for that.

Q. Then what was the object of putting these men upon this special time book? A. Well, so as I would probably be able to tell how much the cells cost.

Q. But you can't tell now? A. In case I was asked.

Q. Now, I asked you what that special time book meant for those men, and you couldn't tell me. So, if it was not headed by any special work you couldn't tell? A. Well, that was wrong; it ought to have been headed special; that is right.

Q. Now, I will show you the pay-roll for December, 1893. That is headed "Special Pay-roll." See if it contains the names of the same men upon the special time book? (Pay-roll for December, 1893, shown witness.) A. Yes, sir.

Q. Same men? A. Yes.

Q. Can you tell by that pay-roll which of the employes were employed on the penitentiary cells and which on the chapel? A. They were all employed there.

Q. All employed where? A. Penitentiary.

Q. All those on that special pay-roll for December? A. Yes, sir.

Q. Well, see what it is headed? A. Well, there was no masons employed at the chapel at that time. They were all hired —

Q. What is that special pay-roll headed? A. That special pay-roll is headed "Chapel and Penitentiary Cells."

Q. Now, there were no masons employed at all on the chapel? A. Not at that time, no, sir.

Q. Were there any carpenters employed there? A. There was carpenters there.

Q. Any of those on that special pay-roll? A. Yes, sir.

Q. How can you tell which of them were employed? A. Well, I can remember the names pretty well.

Q. Remember all the names of the men that were employed on the chapel that month? A. Yes, I think so.

Q. So you can divide up that special pay-roll and say how much of it was used for the chapel and how much for the penitentiary cells? A. I think so; yes, sir.

Q. And do you also notice that in that special pay-roll that you now have in your hand the name of Mr. Fitzsimmons appears as an employe upon that special pay-roll? A. Mr. Fitzsimmons. Yes, sir. He was hired as such and he had to be charged there.

Q. He was hired as what? A. As a steamfitter's helper.

Q. But he was used as a clerk? A. Yes.

Q. And he ought to appear upon the regular time book and regular pay-roll of mechanics, shouldn't he? A. I had nothing to do with that.

Q. How does he appear upon your pay-roll? A. He was hired as a steamfitter's helper and I took him for clerk. He was a pretty bright fellow.

Q. What was the object Mr. McCanna of placing Fitzsimmons, who everybody knew was used by you as a clerk, upon that particular special pay-roll which is charged to the new chapel and penitentiary? A. (No answer.)

Q. Do you give it up? A. Yes, sir.

Q. I show you the time book for '94, and will you kindly look at the account of Edward Sweeney, in January, '94, and state what the meaning of those marks is opposite his name? A. (Referring to time book.) He was reported sick.

Q. How do you know he was reported sick? A. Well, according to the marks in the book.

Q. Well, what are the marks? Now describe them so that we can tell. The marks originally were "1," which meant that he was present. Isn't that so? A. Yes, sir.

Q. And those "1" marks were made with a pen? A. Yes, looks that way.

Q. And then they were made into noughts with a pencil? A. Yes.

Q. That would make it show that he was absent? A. Yes, sir.

Q. What was Sweeney's particular employment? A. He was a machinist, employed as an engineer, I think.

Q. At the end of those marks changed from present to absent is there anything in pencil on the time book? A. I think "Resignation."

Q. The object was first to have him paid? A. I suppose it was.

Q. Just see if he appears upon the pay-roll for that month? A. (Referring to pay-roll.) Don't appear.

Q. Now will you look through the time book in 1894, and state how many of the employes during that year reported sick? A. Joseph Altenbrand, sick three weeks, August, 1894. Altenbrand has been an old employe. Michael Murphy, sick in October three weeks. Michael Murphy, sick four months with a broken leg.

Q. And Altenbrand three weeks? A. Yes.

Q. That is the only sickness during the year 1894? A. That is all it shows.

Q. All it shows on the time book? A. There wasn't so many people there then.

Q. Now can you explain the cause of the great increase of health among the employes after Commissioners Henry and Simis took charge? A. Good doctor.

Q. Isn't it a fact that the employes who were reported sick, or whom you were told by some of the commissioners to mark sick, were in fact absent only and were not sick? A. Well, the difference now and then, we haven't over —

Q. I am speaking now of that time, during Gott, Nolan and Murphy's time, wasn't that the case, that you were told many times to mark people sick who were actually not sick, and who just drawed their pay? A. I think so.

Q. Isn't that so? A. Yes.

Q. Men who were perhaps good political workers for some of the commissioners? Do you know anything about that? A. I don't know anything about that.

Q. You know nothing about that Mr. McCanna? A. No, I don't know the actual facts of it.

Q. You never took any interest in politics? A. Once in a while.

Q. Well, then you knew whether these particular men — A. Not always. If I have a friend I always take an interest.

Q. But these particular men who were constantly and each month reported sick, who were regularly on the sick list, as it were, did

you know whether they were active politicians in their particular wards or districts? A. Well, I didn't know it. I heard they were.

Q. They were all Democrats? A. No, I couldn't say that.

Q. You didn't know their politics, even? A. I never asked them; no, sir.

Q. But they were sent there by Democratic commissioners? A. Couldn't have been put there without Democratic commissioners.

Q. Now, there are very many less employes there now and were in last year than there had been theretofore? A. Yes, sir; there is no work going on there now.

Q. Did you ever look at the time book or pay-roll for the year 1888 or '89? A. Yes, in '89 I did, I think.

Q. Do you know what the amount for mechanics' services was for the year 1889? A. I think it was \$25,000.

Q. That would be about \$2,000 a month, or a trifle more. Do you know what it became in 1890, '91, '92 and '93? A. Yes, sir.

Q. What? A. I think about \$50,000 or \$60,000.

Q. Sometimes as high as \$70,000; do you know that? A. Yes, I think so.

Q. And wasn't that pay-roll for mechanics' services largely increased by the methods employed to which you have testified yesterday and to-day, by paying men who actually did no work. That is true, isn't it? A. The men worked steady. Of course, you wouldn't need so many.

Q. And men who were paid for twenty-six days work when they had done no work, so far as the time book shows, of course, that was money wasted? A. Yes, sir.

Q. And where that amounted to thousands of dollars that was just so much unnecessary money charged to the mechanics' pay-roll? A. Yes, sir.

Q. There is nothing of that kind going on now, is there, Mr. McCanna, to your knowledge? A. No, sir; there is no work going on there now. There is no mechanics there.

Q. Are there any mechanics employed now who actually do no work? A. No, sir; not that I know.

Q. Have any salaries been raised there lately? A. Storekeeper. Yes, I think he is a sinecure.

Q. He is a sinecure? A. I think so.

Q. Well, what makes you say that Mr. McCanna? A. Well, I think that office could be abolished. My office was created fifteen years before that, and they abolished that.

Q. Does the storekeeper assume your duty from the first of October, do you know? A. I don't know, sir. I do know that there was an engineer there fifteen years before there was any storekeeper, by the record.

Q. Who did the storekeeper's work at that time? A. The heads of each department, goods delivered to the departments.

Q. And there was no general storekeeper? A. No, sir.

Q. In those days was Mr. Altenbrand one of the commissioners? A. No, sir.

Q. Well, then, each physician in charge of a department there would receive the stores himself or would have somebody to receive them? A. Stewards, yes.

Q. And there are stewards now to each department? A. Yes.

Q. What does the storekeeper himself do now? A. I don't know as he does anything particularly.

Q. Has he subordinates who perform the labor for him? A. Yes, sir.

Q. How many subordinates are there in the storekeeper's department? A. I think there is three.

Q. Who are they? A. A man named Sullivan; a man named, the son of Commissioner Simis, and a man named Croshar.

Q. They are his assistants are they? A. Yes, sir.

Q. And do they or the storekeeper himself receive the stores? A. I think they do most of the time.

Q. Has he an office for himself? A. No, sir; they are all in one office.

Q. Is he in his office daily? A. Well, generally, yes, sir.

Q. The present storekeeper is Gilbert Hicks? A. Yes.

Q. He has been in the employ of the department very many years, too, hasn't he? A. Off and on—yes.

Q. For how many years? A. I couldn't tell you; he has been out and in a good many times.

Q. From your knowledge of the department in the years that you have been there you think that his office is a sinecure, and that instead of raising his salary, as they have done lately, they should have abolished the office? A. I think so; yes, sir; that is only in my opinion; of course that don't—

Q. You think that don't count? A. Not with these commissioners.

Q. Will you look at the time book No. 1 and state what you find in the back of the book—what memorandums those are? A. (Time book No. 1 shown witness.) You mean the boilermakers to the penitentiary?

Q. Whatever memorandum you have in the back of the book; what are they for? A. Those are the number of days that the boilermakers worked on the boiler in the penitentiary in 1890.

Q. And is that the record for special time? A. Yes, sir; this was paid in a bill, you know; this was put in here, and when the bill come in that we would know about how many days were made.

By Mr. Cole:

Q. Contract work? A. Yes, contract work; I don't know how the bill was paid.

By Mr. Hirsh:

Q. Suppose you look at page 277 on that time book and see what you find there; what memorandum do you find there? A. I don't know what that is for.

Q. Look on pages 278 and 279 and tell me what memorandum you find there? A. Penitentiary roof.

Q. What do you mean by that answer? A. I say the men worked on the penitentiary roof.

Q. The names of all the men that worked on it? A. Yes, sir.

Q. And all the time that they worked on it? A. Yes, sir; I think so.

Q. That doesn't compare with the pay-roll that I showed you, does it? No, sir.

Q. Well, just look at the total of that, please; state how much it was? A. One thousand eight hundred and fifty-five dollars and fifty cents.

Q. Just read what is on the opposite page, if there is anything? A. "Penitentiary, workshop, material \$3,389.26; labor \$2,223.75."

Q. There is quite some difference between the workshop and the roof? A. Yes, sir.

Q. Well now from the pay-rolls that I showed you yesterday, which had in brackets the names of men and the time they spent on the penitentiary roof, and the cost, which was upwards of \$15,000, that doesn't agree with your book at all, does it? A. No, sir.

Q. How do you account for that Mr. McCanna? A. The commissioners will have to account for that; I couldn't account for what they do.

Q. Well, your report to the commissioners was based upon your books? A. Yes, sir, it was just that.

Q. You have no other time than what is in that book, of those men? A. No, sir.

Q. And so far as you are concerned, so far as you knew what men and what time was used upon that roof, that is correct? A. Yes, sir.

Q. You have no other explanation to give of that grave difference? A. No, sir.

Q. Suppose you look on pages 283, 284, 285 and 286 on the same book; I want an explanation of those memorandums if you can give them; I couldn't make anything out of them, and I want to know

what they mean. A. That was the starting of making out a pay-roll and we never finished it; that is, of making a time book.

Q. That was the starting of making out a special pay-roll? A. Yes, sir.

Q. Special time book? A. Yes, sir; and we started somewhere else.

Q. Does that apply to all those three or four pages to which I called your attention? A. Yes, sir.

Q. Of course you made out your pay-roll that you sent to the department from your time book? A. Yes, sir.

Q. And in accordance with the work actually appearing to have been done on your time book? A. Under the time book; if the time wasn't allowed before—if the time was allowed by the commissioners the day before—or two days before—the time book was made out, why we had to change the time book.

Q. No, this is what I want to know—was your pay-roll that you sent on these new slips to the department—the commissioners—made out from your time book and in accordance with the time as shown upon that time book? A. Yes, sir—if not ordered other ways.

Q. Then if you were to make out a pay-roll in accordance with your time book, the commissioners would at times tell you to alter it? A. Well, alter it in this way—send up a slip and give the man full time; he was sick or something of that sort.

Q. Regardless of whether he had reported sick to you or not? A. Yes, sir.

Q. Then under those circumstances it was not necessary for a man to bring a certificate showing that he had been sick? A. If he brought it to the commissioners it was enough, or any of them; if he brought a certificate to me—

Q. Then you would mark him sick on the time book? A. Yes, sir; if I was told by the commissioners that he was sick; sometimes I would mark him sick; sometimes they would tell them to give him time by order of the commissioners.

Q. Now, in 1893 you recollect you had more men employed than at any other time during those four years ; do you remember that ? A. Yes, sir.

Q. There was a very large amount of sickness in 1892, '91 and '90 ; do you remember that ? A. Yes.

Q. Can you explain why it was that there was less sickness, less absence on the part of the mechanics employed there in 1893, when you had so many more employed, than in the other years ? A. Well, I could explain it partly that the quantity of men was greater—we had 100 men probably where we haven't 30 now.

Q. For that very reason I want to know how it is that the sickness was not greater or the absentees were not more numerous ? A. Oh, I couldn't tell ; I couldn't answer that question.

Q. Well, wasn't it from this fact, Mr. McCanna, that instructions came to the chief engineer's department from headquarters that all the men were to be marked present ? A. From what headquarters ?

Q. The charity department ? A. I don't remember that.

Q. Well, is there any way in which you can refresh your recollection as to that ? A. (No answer.)

Q. No way ? A. I can't remember ; no, sir.

Q. Is that the very best answer you can give me on that, Mr. McCanna ? A. No, sir ; I can't remember.

Q. Is there any desire on your part in answering that question to save the former commissioners ? A. No, there is not.

Q. You actually can not remember ? A. Can't remember ; not at present.

Mr. Whittet.— This committee will adjourn until 10 o'clock to-morrow morning.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON
AFFAIRS OF CITIES, AT A MEETING HELD THURS-
DAY MORNING, SEPTEMBER 26, 1895, AT THE COURT
HOUSE, BROOKLYN, N. Y.

Present.—Messrs. Schulz and Whittet, of committee.

Mr. Hugo Hirsh, of counsel.

Patrick McCanna, having been recalled for further examination,
testified as follows:

Examined by Mr. Hirsh:

Q. At the close of yesterday's examination, Mr. McCanna, you testified from the special time book — A. Sir?

Q. You testified from the special time book in which you had the names and the amount of work done on the penitentiary roof; do you remember that? A. Yes, sir; I remember that.

Q. You recollect that; it amounted to something like eighteen hundred and odd dollars? A. Yes, sir.

Q. That also showed that it was done in the year 1890? A. Yes, sir.

Q. You recollect that? A. Yes, sir.

Q. To refresh your recollection I again show you the page—page 278 of the special time book?

(Counsel presents to witness the special time book referred to.)

A. Yes, sir—that is it.

Mr. Hirsh.—I offer the page in evidence and will have it marked.

(Page 278 of the special time book above referred to was here marked by the stenographer Exhibit No. 33 of this date.)

Q. Was there any other work done upon the penitentiary roof in 1891? A. Except the tinsmiths, repairing the other roofs, the main building.

Q. The main building? A. Yes, sir.

Q. To what extent? A. Oh, they were working there a long time.

Q. How long a time? A. Over a year.

Q. The tinsmiths? A. Yes, sir.

Q. Were at work on the main building of the penitentiary—that was not the workshop? A. No, sir; prisons—female prisons and all that.

Q. You are sure about that, are you? A. Yes, sir.

Q. In 1891? A. Not in 1890—it was in 1891—a part of 1890, I think.

Q. I want to know exactly what you have reference to; here in this special time book you have got the work on the penitentiary roof in 1890? A. Yes, sir.

Q. That is right, is it? A. That is right.

Q. I want to know whether any special work was done on the penitentiary roof in 1891? A. No, sir—I think there was not any special work, except it might have extended to—I don't remember that distinctly.

Q. Only some trifling repairs? A. Yes, sir—only some trifling repairs.

Q. Because, when the roof was completed after the fire in 1890, it was completed so that it was in good condition? A. Yes, sir—except the floors—the carpenters were laying the floors.

Q. The floors have nothing to do with the roof, have they? A. No, sir.

Q. Now, I showed you yesterday the pay-rolls of 1890 having in brackets upon them a large expenditure for mechanics' services in 1891; do you remember that? A. Yes, sir.

Q. You do remember that? A. Yes, sir.

Q. None of which appear upon your time book; have you any explanation of that at all? A. Eighteen hundred and ninety-one?

Q. Yes, sir, in 1891; here I show you the one for June, 1891, with the memorandum in brackets "Penitentiary roof;" you see that?

(Counsel presents to witness the time book for the month of June, 1891.)

Q. It doesn't take long to see that? A. Not very long; no, sir.

Q. You can see it at a glance, can you not? A. Those men worked on the stone wall.

Q. There was not any stone wall on the roof, was there? A. No, sir.

Q. I am asking you this: it shows on the face of the pay-roll they are charged to the penitentiary roof? A. Well, they worked on the wall.

Q. There was not any wall on the roof? A. No, sir.

Q. They are charged on the pay-roll [to the penitentiary roof, ain't they, Mr. McCanna? A. Yes, sir.

Q. That is what I want to know? A. Yes, sir; that is right.

Q. Now look at the May pay-roll and see if that is not the same; do you see that too?

(Counsel presents to witness the pay-roll for the month of May.)

A. Yes, sir.

Q. Now look at the April pay-roll.

(Counsel presents to witness the pay-roll for the month of April.)

A. They all worked on the roll.

Q. Just answer my question, Mr. McCanna? A. Oh, yes, sir.

Q. I want to know what you see there? do you see it on there, Mr. McCanna? A. Yes, sir.

Q. Yes; now look at September, and see if you see the same thing on that?

(Counsel presents to witness the pay-roll for the month of September, 1891.)

A. Yes, sir.

Q. And October?

(Counsel presents to witness the pay-roll for the month of October, 1891.)

A. Yes, sir.

Q. And August?

(Counsel presents to witness the pay-roll for the month of August, 1891.)

A. Yes, sir.

Q. And November?

(Counsel presents to witness the pay-roll for the month of November, 1891.)

A. Yes, sir.

Q. And November, do you say? A. Yes, sir.

Q. You notice it on there? A. Yes, sir.

Q. So that the pay-rolls contain accounts for mechanics' services on the penitentiary roof which do not appear in your time book, from May until November of 1891; that is right, is it not? A. They appear on the special, don't they?

Q. You could not find them yesterday, Mr. McCanna? A. I found them yesterday afternoon.

Q. All these? A. Yes, sir.

Q. Now, look again; you must have a better memory, Mr. McCanna; if they appeared upon the special time book yesterday, they would be there to-day?

(Counsel presents to witness book marked "Time Book No. 2.")

A. What year is this, Mr. Hirsh?

Q. That is 1891. A. This is 1892.

Q. You had better look at all the time books; you might find something in some of them. (Counsel presents to witness two books marked "Time Books Nos. 1 and 3.") Do you find anything there, Mr. McCanna? A. Not yet. (Witness examines books.) I think I saw them yesterday afternoon.

Q. The only thing you saw yesterday afternoon was the pay-roll in reference to the penitentiary roof in 1891? A. That is true; yes, sir.

Q. I am speaking of the penitentiary roof account of 1891? A. There was not any.

Q. So I understood you to say yesterday. A. No, sir.

Q. These pay-rolls which show from February until November that there was a large number of men employed upon the penitentiary roof; is that true? A. Not true; no, sir.

Q. How long did you say, Mr. McCanna, that you have been an engineer? A. About 33 years—32 years.

Q. And you are thoroughly posted, of course, in your particular line as an engineer? A. Well; yes, sir.

Q. You are certain of that, are you not, McCanna? A. Yes, sir.

Q. And so far as your knowledge of the needs of the department of charities and corrections is concerned you think you are at least as good, if not better, than any other man in that department? A. Yes, sir; my experience—

Q. You have practically been brought up to the needs of the department? A. Yes, sir.

Q. And have had considerable experience there? A. Yes, sir.

Q. You know I should suppose every inch of pipe that has been laid in the department? A. I had it all laid while I have been there.

Q. All laid while you have been there? A. Yes, sir.

Q. In St. Johnland as well as Flatbush? A. Yes, sir.

Q. All laid under your immediate supervision? A. No, sir—no, St. Johnland was not—but I looked at it to see where it was.

Q. In Flatbush you knew every inch of pipe that was actually laid? A. Yes, sir; and St. Johnland too.

Q. You knew the character of the pipe? A. Yes, sir.

Q. And its dimensions? A. Yes, sir.

Q. And how many feet of it was necessary? A. No, sir.

Q. You knew how many feet were used? A. At the time; yes, sir.

Q. At the time it was used? A. Yes, sir.

Q. You knew where it was laid? A. Yes, sir.

Q. And you knew the purposes for which it was laid—whether it

was sewer pipe or water pipe or any other kind of pipe—you knew all that? A. Yes, sir.

Q. And your experience as an engineer also taught you how long these pipes ordinarily should last? A. In different kinds of ground; yes, sir.

Q. Yes; you knew the ground there, of course? A. Yes, sir.

Q. Your many years service there taught you that? A. Yes, sir.

Q. You would know not only by the ground itself but by actual experience how long it would take for pipe to wear out, because you were there so many years? A. Yes, sir; some pipe was not as good as others; you can't tell.

Q. But ordinarily you knew generally what the needs of the department was in that line? A. Yes, sir.

Q. And nothing in that line so far as your department was concerned was done without consultation with you? A. Yes, sir, lots of things.

Q. Lots of it was; well, will you state the instances, please; I am speaking now beginning with the year 1890 in your department? A. Commencing with 1890?

Q. Yes; just give us some instances that you recollect where things were done in your department without consultation with you? A. Well, I couldn't just now remember; in particular—

Q. None at all? A. Just at present; no, sir.

Q. You knew also the size of the kettles that were used in the various departments, did you not? A. The superintendent would ask the size of the kettles, the kind they wanted.

Q. And wouldn't you order them on the strength of what the superintendent stated—his needs? A. Yes, sir; order them—yes, sir; from the storehouse; I wouldn't order them, I would—

Q. Send in a requisition for them? A. Yes, sir—that is, my storekeeper made out the requisitions.

Q. Well, that was done under your supervision? A. Yes, sir.

Q. So that from the time that the needs of your department became known, so far as the piping or tees or anything else that was necessary in your department, so far as those needs were made known to you by your subordinates, to the time that they came into the department and were delivered there, you yourself necessarily knew all about them?

A. Yes, sir; they were all delivered at the storehouse.

Q. At your storehouse? A. No, sir.

Q. At what storehouse? A. At the general storehouse.

Q. Aren't the materials for the engineer's department delivered directly to the department? A. No, sir; they were delivered at the storehouse, at the general storehouse the goods were all delivered—and my storekeeper after they were counted and taken charge of at the general storehouse, they were sent to my place and my storekeeper was a check on the other storekeeper.

Q. So far as your department was concerned? A. Yes, sir.

Q. And he gave receipts for the goods? A. He gave receipts for the goods.

Q. Your storekeeper gave receipts to the general storekeeper for the goods for your department? A. Yes, sir.

Q. How were they transferred to your department? A. They were carted over there on the same wagon probably, sometimes, and sometimes they would be unloaded and sometimes the storekeeper would look at the goods.

Q. Was there a requisition sent by you for all the goods necessary to the storekeeper, or were they simply sent to the storekeeper— A. Only sent to the storekeeper.

Q. And then sent over there to you without an extra requisition? A. I made a requisition to the storekeeper for all those things, and the general storekeeper would cover them by his requisition; the general storekeeper after he got my requisition, he copied my requisition on the general requisition, and my requisition together with the general requisition went to the commissioners of charities.

Q. Well, that applies to stone and lumber— A. Everything.

Q. And brick, and piping and all the rest of it? A. Yes, sir.

Q. And all that was delivered at the general storehouse? A. Every wagon that comes in there stops at the general storehouse to be supervised before it is sent anywhere.

Q. But suppose it was stone or brick necessary for your department? A. It is just the same.

Q. Do you mean to say that they would dump it out at the general storehouse? A. No, sir.

Q. It would be simply supervised by the general storekeeper and then taken to your department? A. It was taken wherever it was wanted.

Q. Where the work was being done? A. Yes, sir.

Q. You can not be mistaken as to that, Mr. McCanna? A. No, sir.

Q. Did the general storekeeper ever send a man to your place to check off the goods as they were received? A. I don't remember any case of the kind.

Q. Well, could that have been the case? A. It could have been the case.

Q. How could it have been the case if the goods were first supervised at the general storekeeper's? A. He probably might have forgot something, but I don't remember any case of that kind.

Q. You don't remember any case where the general storekeeper sent to the storehouse and supervised the checking off of the goods as received? A. No, sir.

Q. Now do you know whether there are any clerks in the general storekeeper's department now who were there during the years 1890 to 1894? A. Yes, sir.

Q. Who are they? A. A man named Sullivan.

Q. Is there anyone else? A. I don't know of anyone else.

Q. Didn't Sullivan come over to your place and supervise and check off the receipts? A. I don't remember.

Q. He did not ; did you ever sign any receipts for goods delivered to you from the general storehouse? A. I might have.

Q. That is a little indefinite? A. Well, I say yes — I have.

Q. You did? A. Yes, sir.

Q. Did that happen frequently? A. No, sir : very seldom.

Q. It was not the rule then as I understand it? A. No, sir ; probably not once in three or four months ; if I happened to be there when there was anything coming, if my storekeeper was not on hand—

Q. Suppose a load of brick or stone or lumber was delivered, or was to be delivered, where would that go? A. It would go where they were using it ; it would go past the storehouse first.

Q. Now, who would give receipts for that? A. Nobody ; the storekeeper saw that himself.

Q. He would have no receipt for it? A. No, sir.

Q. Was there no check upon the driver? Well, he sometimes weighed the brick.

Q. Was there no check upon the driver? A. The driver had a memorandum that he would bring to the general storehouse and carry back—one portion of the book—

Q. But if no receipt was given to the driver? A. The storekeeper done that part of it.

Q. Did the storekeeper give the receipt to the driver? A. The general storekeeper or one of his clerks would sign.

Q. The wagon would drive in, and the storekeeper or one of the clerks would look and see that they were what was asked for, and he would check how many? A. He had a book.

Q. And checked it off on that? A. Yes, sir.

Q. And then the man would drive on to the place where the material was needed? A. Yes, sir.

Q. And if that man should drive out of the grounds instead of to the place where the things were needed, there was nothing known about it? A. Oh, yes, sir ; as a general thing the man went with

them, because he wouldn't know where to dump it—that is, either the storekeeper's man or my storekeeper.

Q. But no receipt was given to the driver at the place where the material was dumped? A. No, sir.

Q. And from that place they would send it to some place in the penitentiary if it was needed there? A. They had to bring the book back to the penitentiary.

Q. They would bring it in from the contractor? A. Yes, sir.

Q. Passing the penitentiary, going to the storehouse about half a mile away? A. No, sir—that kind of goods is brought to the general storehouse; it is sent to the penitentiary.

Q. That is what I have been trying to get at—so the goods that were needed at the penitentiary, would not go to the storehouse at all? A. No, sir.

Q. They would be receipted for at the penitentiary? A. Yes, sir—that is, heavy goods like that.

Q. And how would the knowledge of their receipt go to the storehouse? A. The penitentiary sends over a bill — “so much material received.”

Q. And that is the only knowledge they would have — the penitentiary sending back word? A. That is the only knowledge—with meat and everything; that is, large quantities.

Q. Now, Mr. McCanna, can you recollect of your own knowledge, without memorandum all the repairs — not new buildings — but all the repairs that were made by you or under your supervision by the department, between the years 1890 and 1894? A. No, sir; I could not.

Q. Can you recollect the new buildings that were constructed? A. Yes, sir—I think I can.

Q. Will you state that, please? A. The new buildings for each year, commencing at 1890?

Q. Yes, sir. A. Let's see—no, I can't.

Q. Do you recollect any of them? A. I recollect of building a church; building a boiler-house; building a new boiler-house at the penitentiary—building two new boiler-houses at the penitentiary.

Q. Well, those were additions—weren't they? A. No, sir.

Q. Entirely new buildings--were they? A. There was one addition and one new building.

Q. Is that all you remember? A. I remember building a place down to Potter's Field for the undertakers.

Q. A morgue? A. No, sir; a place to shelter the people when they would go there to see their friends—the remains of their friends, if you please—when they were disinterred.

Q. By the way, your business is also that of an undertaker, is it not, Mr. McCanna? A. No, sir.

Q. You are not interested in that at all? A. Yes, sir; I have got a son in the undertaking business—three sons.

Q. In Flatbush avenue? A. Yes, sir.

Q. In Flatbush? A. Yes, sir; I am interested so far as they are concerned.

Q. What is the firm? A. P. McCanna & Sons.

Q. Well, "P. McCanna" is yourself? A. Yes, sir.

Q. Were you engaged in that business when you were out of the department the years that you were out? A. No, sir; I am not engaged in it now—only I have an interest into it because my boys are into it—my sons.

Q. They have been into it how long? A. A couple of years.

Q. And how long has the firm been in existence? A. The firm of undertakers?

Q. Yes, sir. A. Only two years.

Q. You set them up in business—is that the idea? A. Yes, sir.

Q. And of course, you having set them up in business, you have an interest in the business—in the profits? A. Yes, sir; seeing to their welfare.

Q. But you have an interest in the business for the capital that you have into it? A. Yes, sir.

Q. Do I understand you that you have an interest in the profits? A. No, sir.

Q. None whatever? A. No, sir; none whatever.

Q. Although you are practically the head of that firm you are not interested in the profits at all? A. Not in the profits; I am interested so far as to see that they get along well, but I don't receive anything of the profits.

Q. Now do they do much work for the county, or have they? A. Some; yes, sir; the same as all undertakers; we are the nearest place to the building.

Q. Is it not a fact that by you being the chief engineer, that that brought them considerable business? A. No, sir.

Q. None at all? A. None at all.

Q. Who is the morgue keeper up there—or was? A. His name is Farrell I think.

Q. Do you know him? A. I have seen him; yes, sir; he has not anything to do with that.

Q. He has nothing to do with that? A. No, sir.

Q. Is it not a fact that he telephones down to your sons' place—the firm of P. McCanna & Sons—the fact of a death occurring in the county buildings? A. I never heard of it.

Q. You never heard of it? A. No, sir.

Q. You never knew of it at all? A. No, sir; I never knew of it at all?

Q. Is this the first you ever heard of it? A. No, sir; I read it in the newspapers.

Q. You did read in the newspapers? A. Yes, sir; I read it in the papers.

Q. But there is no truth in that? A. No, sir; there is no truth in that.

Q. Do you know of any complaint having been made by the undertakers to the department of charities or the commissioners, about that fact? A. Yes, sir; I saw that in the papers.

Q. Was that complaint brought to your attention officially at all? A. No, sir; never.

Q. By none of the commissioners? A. No, sir.

Q. Or by anybody else? A. No, sir.

Q. And all that you knew of it was what was in the newspapers or the press? A. Yes, sir.

Q. Do you know whether books of account are kept at the morgue relating to deaths that occur there? A. No, sir.

Q. Or at the county buildings? A. There is I suppose at the hospital, the doctor keeps all those.

Q. The doctor is the only one at the hospital who keeps it? A. He is the head man.

Q. And if a man dies at the penitentiary does that come under the head of the doctor at the hospital? A. I suppose he would know about it if the friends did not come after him.

Q. But no matter where a man died in the county buildings, whether in the insane asylum, or the hospital, or the penitentiary, they would have to pass through the morgue? A. No, sir; not necessarily.

Q. What then—does the morgue keeper deliver them all? A. No, sir.

Q. Who does? A. The heads of departments—Mr. Sylvester, or whatever department he comes from; that is my opinion about it; I am not talking now—because I don't know much about it.

Q. What becomes of the bodies—is there any one place in which the bodies from all the county institutions are taken? A. The paupers—yes, sir.

Q. The paupers are taken to this morgue? A. Yes, sir.

Q. But not the men from the penitentiary or hospital? A. Not if the parents or friends go after them.

Q. But all the persons who die in all the institutions that are not called for by parents or friends go through the hands of that morgue keeper? A. Yes, sir—that is right—that is the way I understand it.

Q. You never made any inquiry about it? A. No, sir.

Q. It never came under your immediate supervision? A. No, sir.

Q. And you never had any talk with Mr. Pearl or he with you with reference to it? A. No, sir.

Q. So all these newspaper statements regarding your influence in sending pauper dead—through Pearl or through the doctors—to your sons' place, or to your place, is untrue? A. It is untrue; yes, sir.

Q. Entirely so? A. Yes, sir.

Q. Do you mean also that your firm never buried any of the paupers that died there? A. Yes, sir.

Q. They did that? A. They got their share of that.

Q. Did they also bury any of the people that were not paupers and that could afford to pay? A. Yes, sir.

Q. Do you know in what manner these people who could afford to pay—the friends or relatives of the deceased—came to your place, or your sons' place? A. No, sir.

Q. You don't know anything about that? A. No, sir.

Q. I will show you, Mr. McCanna, Exhibit "S" of August 7, 1895; will you kindly state whether that is the statement that you rendered to me upon my request when you were first on the stand at the inception of these proceedings?

(Counsel presents to witness the exhibit above referred to)

A. Yes, sir.

Q. Can you, without this statement in your hands, recollect all the work that was done in the county institution? A. I don't think I can; no, sir.

Q. But by having this with you you would be able to testify, would you, Mr. McCanna? A. Yes, sir.

Q. You recollect that after your statement was furnished to us Mr. Pladwell became a witness and testified? A. I saw it in the paper.

Q. And testified to certain differences between your statement of expenditures for materials and labor [during those four years and his statement as taken from the records—and you criticised his statement and said it was wrong to him—do you recollect that? A. Yes, sir.

Q. And do you recollect that one of your criticisms was with reference to the very first question upon your statement—if you will look at it, Mr. McCanna?

(Witness examines Exhibit S.)

A. Yes, sir.

Q. “Almshouse. (January to July, 1890, inclusive.) Old piazza at female almshouse torn down and new one rebuilt: cost of material, consisting of lumber, brick tiers, tin roof and painting material, about \$300; labor for same, \$200; total, \$500; work done by department mechanics; roofs of both male and female buildings thoroughly repaired and interior of same overhauled and painted throughout; the labor account for these seven months amounted to \$3,504.75; the material used for the same period, \$2,965.73”—you claimed that the first item of \$500 was included in the latter items? A. Yes, sir.

Q. You claimed that was so? A. Yes, sir.

Q. And you also claimed that that applied to each of these items in this memorandum? A. Yes, sir.

Q. You are quite sure about it? A. Yes, sir.

Q. You can not be mistaken? A. Well, I am as sure as I can be of most anything.

Q. Now, will you look at the penitentiary account, January to July, in your statement—penitentiary (January to July, 1890)—reading from your statement, Mr. McCanna? A. Yes, sir.

Q. “Rebuilding workshop destroyed by fire in June, the material, consisting of lumber, brick and tin roof, amounting to about \$3,300; the labor on same, \$1,855.50”—A. Thirty-three hundred—what have you got it there?

Q. Thirty-three hundred dollars. A. Oh, yes, sir.

“And labor on same \$1,855.50; total, \$5,155.50; new storehouse, disinfecting house, also swimming bath for use of prisoners, on above work prisoners were employed where such labor could be made use of,”—you keep your eye on your statement, please, Mr. McCanna—“department mechanics also worked on above; new shafting and fixtures added in workshops; labor for seven months, \$391.25; material for same period, \$2,414.10;” now, do you mean, Mr. McCanna, that the \$5,155.50 in the same paragraph is included in the \$2,414.10? A. No, sir; not in that instance.

Q. Then when I asked you before whether your criticism applied to any other statement and you said it did you were mistaken? A. I didn't notice that until you called my attention to it.

Q. Is it possible now that you may be mistaken as to other matters contained in your statement? A. It might be; yes, sir.

Q. You don't think that this statement of yours is absolutely accurately correct, do you? A. No, sir.

Q. It was not based on absolute records, was it? A. No, sir; I stated so here in the front; I stated to you in the front that it is not from record.

Q. You state this: “In answer to questions on accompanying slip I have prepared and present herewith a statement in detail as near as possible” — A. Yes, sir; that is it.

Q. “Of repairs made and new work done for the years 1890 to 1893 inclusive, during which time I have been chief engineer of the department of charities and corrections; the labor and material for new and general work done during the years 1890 to 1892, herewith given, is approximated, no separate accounts having been kept of same, the several amounts chargeable to the different institutions for those years representing new work and general repairs together—all material contracted for?” A. That is right.

Q. But that does not show that there are errors in fact made in the

statement; you might not be absolutely correct in your figures, but that does not show that there should be errors made; that shows absolute error, does it not, Mr. McCanna? A. Yes, sir.

Q. Now will you look through that statement for the year 1891 and see if you can find any records which shows in accordance with the pay-rolls that were shown you for the year 1891 the work that is alleged to have been done in accordance with the pay-roll on the penitentiary roof? A. No, sir.

Q. There is nothing of the kind in your statement? A. No, sir.

Q. Do the weekly reports that you rendered the department show absolutely and correctly all the work done by your department? A. Yes, sir; it ought to.

Q. You are sure about that? A. Yes, sir—about the material used.

Q. Material used and the amount of labor used? A. Yes, sir; it ought to show.

Q. The number of men employed? A. Yes, sir.

Q. The number of days these men were employed? A. It don't give the days on the weekly report, but the amount of labor.

Q. Does it not give the total number of days? A. Yes, sir; for carpenters and things—I think it does.

Q. It would not give what each man worked nor the name, but it gives the total number of days at so much a day? A. Yes, sir.

Q. In order to show the amount of labor employed and the amount of money expended? A. Yes, sir.

Q. Those weekly reports made at the time should show correctly what the money actually expended was for—materials and labor in your department during those years? A. Yes, sir.

Q. Is that right? A. Yes, sir.

Q. Unless the commissioners themselves, or somebody in the department, cooked up as it were a bogus pay-roll, as this penitentiary roof account seems to be about something; you know nothing about it? A. Yes, sir.

Q. That is right, is it? A. Yes, sir.

Q. Or unless your reports were altered by somebody in the department after they left you; that is so, is it not? A. I don't know of any other way—yes, sir.

Q. Otherwise your reports were correct, so far as you could make them so in your department? A. As far as I know; yes, sir.

Q. Yes; why was it, Mr. McCanna, that you approximated the amounts expended for the years 1890 to 1892, when you could have obtained them from your weekly reports? A. I didn't have any.

Q. You didn't have the weekly reports? A. No, sir; I couldn't find them.

Q. Didn't you keep copies as a general thing? A. Didn't keep any copies then; I just sent the original report down.

Q. You knew that the originals were in the department? A. Yes, sir; and I thought that was enough.

Q. That is, that you came near enough by approximating? A. Yes, sir.

Q. You have here upon the same item that I have just called your attention to, "Penitentiary from January to July"—you have there an expenditure of \$1,855.50, you notice? A. Yes, sir.

Q. For labor—and below that you have \$391.25 for labor; you notice that, don't you? A. Yes, sir.

Q. Now that is on the penitentiary from January to July, 1890—that is correct, is it not; that paragraph is headed so, if you will look at the heading? A. Yes, sir.

Q. Where did you get that from; how did you make up that account; did you simply guess at it, or did you have some memorandum? A. For the labor?

Q. For the labor? A. No, sir; I had some memorandum.

Q. Took that from your time book? A. I don't remember now.

Q. Your special time book—the \$1,855 that I called your attention to in 1890 for the penitentiary roof? A. No, sir—it was not in that.

Q. Oh, yes, it is. A. Well, probably.

Q. There it is—(counsel indicating to witness)—\$1,855.50 on the special time book, Mr. McCanna? A. Oh, yes, sir—I thought you asked me of this \$391.

Q. I am asking you if \$1,855.50 was taken from the special time book? A. Yes, sir.

Q. Now what was the \$391.25 taken from? A. It was taken from a mason named George Meyers.

Q. What does he know about it? A. He worked on it.

Q. You got his recollection? A. I remember his recollection; yes, sir—just on that one thing.

Q. I don't want you to get mixed on this thing, Mr. McCanna; you will read that paragraph, and it says—the last sentence of it—"labor for seven months, \$391.25;" now, you know that does not say anything about the roof or anything? A. No, sir.

Q. But that was general work? A. General work.

Q. You do not mean to say that this mason gave you for seven months his recollection of the work that was done there? A. No, sir.

Q. What did you get it from? A. I got it every day.

Q. And made a memorandum of it? A. Yes, sir.

Q. And from that memorandum you made up this amount? A. Yes, sir.

Q. Is that right? A. Yes, sir.

Q. Of course, this labor of \$1,855.50, and this labor of \$391.25, for that period, necessarily forms a portion of your weekly reports during that time? A. Yes, sir—I think so.

Q. Bear in mind, this runs from January to July, 1890, according to your statement? A. Yes, sir.

Q. I want to show you your weekly reports to the department of charities and corrections during the same period of time, Mr. McCanna—see if you can find even a fraction of the labor that you have reported during that time; I want to say that we have gone over the reports from January to July, during the same period and find

that the total report that you have made during that time were in the months of February, May, June and July; and all the labor for which you reported during that time amounted to \$459.57, instead of about \$2,200 which you report in your statement; now, I would like you to look over your reports during this time and see which is correct? (Counsel presents to witness the weekly time book for the month of January.) A. No, sir; I don't find anything on that first page.

Q. You find nothing in January? A. The first week in January I understood you.

Q. No; I want to know what you find in January? A. Nothing during the month.

Q. Now, will you look at the month of February, please (counsel presents to witness the weekly report book for the month of February); just go now through July during the same period, and whatever you find during that time make a memorandum of? (Counsel presents to witness other weekly report books.) A. In February—

Q. Have you got them all? A. I have February.

Q. Don't testify to one thing singly; just put them all down and testify to them altogether; I want the seven months, beginning with January and ending in July? A. January, up to and including July, 1890, it is \$468.11.

Q. For labor during that time? A. Yes, sir.

Q. Now, how do you account for the difference between that and your statement? A. I can't say.

Q. You don't account for it? A. No, sir.

Q. Suppose I were to tell you, Mr. McCanna, that in our examination of these weekly reports we find that every one of the statements contained in your statement as made to me are wrong, as compared to the statements contained in the weekly reports? A. After 1890?

Q. Yes, sir; all the way from 1890 to 1894. A. How is 1893 and 1894?

Q. There are greater differences in the year 1893 than there are in 1890; for instance, according to your statement, from August 1, 1892, to July 31, 1893, for that one fiscal year, your statement says there was expended for mechanics' pay in the almshouse, for instance, \$13,998; in the weekly reports during the same period, from August 1, 1892, to July 31, 1893, the mechanics' pay for the almshouse amounts to only \$8,409.50, or a difference— A. Is that 1893?

Q. That is 1893. A. The church is taken into that—see how much it will be?

Q. But your weekly report takes in the church, does it not?

A. No, sir.

Q. You are sure about that? A. No, sir; I don't think so—while I am not positive of it; it may add that.

Q. Was the church commenced before September, 1893? A. I think it was; yes, sir.

Q. You are sure about it? A. Yes, sir; I think so; I am not sure; I think it was commenced—yes, sir; the 1st of September.

Q. If it was commenced on the 1st of September, 1893, it could not possibly be in the reports from August, 1892, to July, 1893? A. That is right.

Q. Now here is a difference of nearly \$6,000 between the weekly report and your statement; how do you account for that? A. I can't account for it.

Q. Would you like to go over the books and verify that? A. No, sir; I don't care anything about it.

Q. You verified what I have stated to you with reference to January to July, 1890? A. Yes, sir.

Q. And you recognize the fact that there is a vast difference between your statement made for that same period and what you found in the weekly reports? A. Yes, sir.

Q. And that you can not account for? A. No, sir.

Q. We will go over the totals so as to see if your recollection

might be refreshed, showing differences between the statements of expenditure for mechanics' pay contained in your statement rendered to me, and the expenditures for mechanics' pay as contained in the weekly reports; I am reading now the expenditures of the almshouse from January 1, 1890, to July 31, 1890, that being the first portion of that fiscal year. A. Yes, sir.

Q. The new board coming into existence the 1st day of January, 1890—and I make that from January, 1890, to July, 1890, so as to begin the subsequent memorandums from the beginning of each fiscal year, which begins on the 1st day of August? A. Yes, sir.

Q. So, from January 1, 1890, to July 31, 1890, according to your statement there was expended for mechanics' pay, \$3,704.75; and according to the weekly reports made by your figures, as reported— A. Yes, sir.

Q. There was only expended \$3,417.25, or a difference of \$300; from August 1, 1890, to July 31, 1891, for the fiscal year, according to your statement there was expended \$10,109.35; according to the weekly reports made by you, there was expended \$6,368.75, or a difference of about \$4,000. A. Is that on materials?

Q. On mechanics' pay—not on material at all; according to your statement, from August 1, 1891, to July 31, 1892, there was expended for mechanics' pay, \$11,877; the same period, according to the weekly reports, there was expended \$8,107, or a difference of about \$3,500 or \$3,600? A. Don't that take in extras there?

Q. It takes in all that you have said on your statement, Mr. McCanna, and all your weekly reports, whatever they may be; your weekly reports necessarily reported all that you did, Mr. McCanna? A. Yes, sir.

Q. So that it takes in, on both sides, all that was done during that time—please don't nod your head, Mr. McCanna, for the stenographer can't get down the nod; you will say yes or no, as the case may be? A. Yes, sir.

Q. According to the statement, there was expended for mechanics' pay, from August 1, 1892, to July 31, 1893, \$13,998; according to the weekly reports made by you, there was expended during the same period, \$8,409, or a difference of \$5,500 or thereabouts? A. What year is that?

Q. This is from August 1, 1892, to July, 31, 1893, for the almshouse; according to your statement from August 31, 1893, to December 31, 1893—that is the last portion of the fiscal year up to January 31, 1894, which we don't take in—you expended during that period, according to your own statement, \$16,521.94; and according to the weekly reports made by you during the same period, August 1, 1893, to December 31, 1893, you expended only \$6,829, or a difference of \$10,000 or thereabouts? A. That was all new work—the \$10,000.

Q. All new work? A. Yes, sir.

Q. Wouldn't the new work appear in the weekly reports? A. I don't think so.

Q. Well, are you sure about that? A. No, sir; I am not.

Q. Your weekly reports were for the purpose of notifying the department what you had done during that week? A. Yes, sir.

Q. What money had been expended? A. Yes, sir.

Q. For labor and material? A. Yes, sir.

Q. And it was for the purpose of giving them that information, was it not? A. Yes, sir; I am not so sure that those went—that that new work went on the weekly reports.

Q. Well, can you give me anything that they would have gone on if not on the weekly report? A. Well, they were on the monthly report I suppose.

Q. Did you send an additional monthly report to the department? A. Yes, sir; the pay roll.

Q. I am not speaking of the pay-roll; the pay roll would only contain the names of the mechanics? A. And the amount.

Q. And then in addition to that you have said that for special work you had a special pay-roll, did you not? A. I think I did; yes, sir.

Q. So that special work would not be even upon the monthly pay-roll? A. No, sir.

Q. No. A. It would be on the monthly pay-roll, but not on the special, I think.

Q. Now it appears from your statement that during this period from January, 1890 to December, 1893, you paid out, or there was paid out on behalf of your department, \$56,211.04; while according to the weekly reports there was only paid out \$33,131.50; can you account for the difference, or the reasons for that difference? A. The only thing I see—I don't think the extra men went on the weekly report.

Q. On the weekly reports? A. Yes, sir.

Q. And you think that those extra men, or extra work would have amounted in that time to about \$23,000, as this difference appears—the difference between \$33,000 and \$56,000? A. In what year?

Q. During those four years. A. Yes, sir.

Q. It would have amounted to that? A. Yes, sir.

Q. And you don't think they appeared upon your weekly reports? A. I don't think so; I don't know.

Q. Well, how can you verify that? A. I don't know of anyway to verify it now exactly; I can't.

Q. You don't know how you can verify it? A. No, sir.

Q. Now would the same thing apply to St. Johnland? A. Yes, sir; there was a little extra work done there.

Q. In those four years? A. Yes, sir.

Q. Do you think the little extra work would amount to \$17,000? A. No, sir.

Q. That is the difference between your statement and the statement as it appears from the records—the weekly records? A. Seventeen thousand dollars?

Q. Yes, sir; you reported in your statement that the amount expended from January 1, 1890, to December 31, 1893, amounts to \$54,028.93; the weekly reports show an expenditure of \$37,654.80, or a difference of about \$17,000? A. Well, that is a mistake.

Q. What is a mistake? That must be.

Q. The weekly reports or your statement? A. My statement.

Q. There is a very large difference between your statement also and the weekly reports concerning the hospital expenditures for mechanics pay; according to your statement, from January 1, 1890, to December 31, 1893, there was expended \$37,568.05; according to the weekly reports there was expended \$23,981.55 on the hospital, or a difference of about \$14,000? A. In four years?

Q. Yes, sir; do you think that is correct? A. I can't account for that.

Q. Now, as to the asylum and annex; your statement is subject to the same criticism, Mr. McCanna — from January 1, 1890 to December 31, 1893, according to your statement, there was expended \$78,494.86 during that period; according to your weekly reports there was only expended \$53,850.50, or a difference of about \$25,000. A. Didn't the heating apparatus come in there?

Q. I don't know; I am not speaking about the heating apparatus at all; I am speaking only now of mechanics' pay. A. I don't think the mechanics went down on the report.

Q. What is that? A. I don't think the extra mechanics went down on the weekly report; I think they only went on the monthly.

Q. You think they only went on the pay-roll? A. Yes, sir.

Q. Then, according to that, the weekly report did not report? A. Did not report those extras, I think.

Q. Well, let me see: we will go to the penitentiary account — of course the work that you did — the work on the roof was actually done — there is no question about that, is there, Mr. McCanna? A. No question about it.

Q. And no question but what you expended \$1,855.50 for that work?

A. That is right.

Q. And there is no question that it does not appear on the weekly reports? A. No, sir.

Q. Now, why — that was certainly an error of yours? A. Yes, sir.

Q. Now, if that was so, were all these other matters errors? A. No, sir.

Q. And the reports did not contain exactly what was done? A. They contained all the regular men.

Q. But, Mr. McCanna, as I understood the methods of the department, the objects of the weekly reports was to inform the department — the commissioners — of all that was done; the money expended for materials and labor — wasn't that the object? A. Yes, sir; that was the object, but if there was a separate appropriation made for any improvement — say there was \$10,000 appropriation made for any improvement — that account would be kept separate.

Q. You are sure of it? A. It ought to be; yes, sir.

Q. Well, I would like to know whether you are sure of that; I would like, as it were, to pin you down to something? A. Well, I am not sure.

Q. You are not sure? No, sir.

Q. Now you know your report, your weekly report, reads something like this, Mr. McCanna: "Engineers and Superintendents of Repairs. Weekly report. Flatbush, Long Island, January 7, 1890" — they are all in the same way — "To the Board of Commissioners of Charities and Corrections, Kings County. Gentlemen: The following is respectfully submitted as a statement in detail of labor performed and material used at the different institutions for the week ending January 7, 1890," — and that is signed by you? A. Yes, sir.

Q. Well, now the object of that was to get in all the material and all the labor, was it not? A. Well, supposing a commissioner — the object of that — yes, sir; that is right.

Q. But you mean, supposing the commissioners gave you different orders? A. Yes, sir.

Q. But if that was so and they had no other reports, then their own reports at the end of the year, which was based upon yours, could not be correct, could they? A. Yes, sir.

Q. That is true, is it not, Mr. McCanna? A. Yes, sir; I don't think they based it on mine.

Q. You don't think they did? A. No, sir.

Q. And you don't seem to have based yours upon anything especially? A. Still they might.

Q. You had some memory, and some memorandum and some mason that helped you along? A. Yes, sir.

Q. That is all you made it on? A. Yes, sir.

Q. It is not accurate and not correct, nor anything that you want to be bound by; isn't that so, Mr. McCanna? A. "Bound by"—how do you mean?

Q. You do not want to be bound by the statement that you made here—that it is absolutely correct, that is, the statement of the work done? A. No, sir.

Q. We have convinced you here that it is not correct? A. Yes, sir.

Q. That is true, is it not, Mr. McCanna? A. That is true; yes, sir.

Q. Now, according to your statement, there was paid out on the morgue only \$171 during that entire period from January 1, 1896, to January 31, 1893, yet according to the weekly reports there was paid out during that same period, \$1,443.50? A. What morgue was that?

Q. What morgue do you say it is? A. St. Johnland—that is a new building—I didn't make any report about the morgue in Brooklyn

Q. Why not? A. Because I did not understand that you gave me that; it was the only county buildings at St. Johnland and Flatbush and the penitentiary—the morgue you mean in the city of Brooklyn?

Q. Oh, no; this is the morgue of course at St. Johnland. A. Yes, sir.

Q. And it couldn't mean anything else—you have nothing to do with the morgue in the city of Brooklyn? A. Yes, sir; I did.

Q. What had you to do with that? A. To keep it in repair; you have not any statement about the morgue in the city of Brooklyn or the district offices.

Q. Nothing in your statement about that at all is there? A. No, sir.

Q. So what you refer to in this statement about the morgue was the morgue at St. Johnland? A. Yes, sir.

Q. And do you mean that your weekly reports referring to the morgue have reference to the morgue of the city of Brooklyn? A. Yes, sir.

Q. Not the same morgue at all? A. No, sir; but the statement has reference to the morgue in St. Johnland; the city of Brooklyn morgue—it is down by the jail.

Q. According to your statement there was expended for materials during that entire period—and I won't go over them itemized—in all the institutions, almshouse, including the new iron fence, the penitentiary, the asylum and morgue, \$245,783.96? A. During four years?

Q. Yes? A. Two hundred—is that right?

Q. Two hundred and forty-five thousand seven hundred and eighty-three dollars and ninety-six cents; according to your weekly reports during the same period there was expended for material \$214,351.65, or a difference of about \$30,000—the total of material and labor expended in accordance with your statement during that period amounts to \$500,031.29; while the total for material and labor during the same period, according to the weekly report, amounts to \$380,625.64, or a difference of about \$120,000? A. I think that is a mistake.

Q. Well, now, what is the mistake—your report, because of its incorrectness, or the weekly reports? A. I don't think the weekly reports had those extra mechanics on, and extra—

Q. Do you mean to say that the extra mechanics— A. —and extra material.

Q. Do you mean to say that the extra mechanics and extra material would amount to \$120,000? A. Very near it; there was \$50,000 appropriated for the asylum, for the heating apparatus, heating and ventilating, and new boilers and penitentiary work, penitentiary boiler houses, or boiler house, several items there; I think there is not that much of a mistake, counselor.

Q. Now, that is only \$50,000? A. Well, there was \$10,000 appropriated for the penitentiary wall—that is \$60,000 and there was—I don't know but they spent \$54,000 or \$55,000 on the heating and ventilating, and then there was \$2,500 appropriated for the hospital piazza; there was a lot of items that you would account for that was not on the weekly report I think.

Q. So you think the manner of accounting for the differences would be that the weekly reports had on only the regular work, and not the special work? A. It looks to me so.

Q. Well, as a matter of fact, do you know anything about it? A. Well, yes, sir; I don't think there can be that difference—there might be a little—but there can not be that much.

Q. Well, was there any special appropriation for the penitentiary roof? A. I think there was, yes, sir; I don't know how much there was.

Q. How can that have been when the fire occurred in June just before the fiscal year? A. I think they got it afterward.

Q. Yes; but you went to work and fixed it up immediately? A. Yes, sir.

Q. But at that time there was no special appropriation? A. Not at the time—I think there was not.

Q. Consequently, your reports for that time must necessarily take in that penitentiary roof? A. Well, I don't remember that; I can't tell you, counselor; it is too long ago.

Q. Then have you any record that you remember—any method of reporting that you recollect of? A. On the asylum?

Q. Of all the reports you made for special work done in any of the institutions—building materials furnished or labor—they not appearing, as you suggest, upon the weekly reports? A. I think I have; I don't know that I have now; I had at that time.

Q. Well, was there any official record made of it? A. No, sir.

Q. Well, if you had no record or memorandum, where did you get the record showing this amount, as stated in your statement? A. You mean on the asylum?

Q. On all the institutions? A. Those specials?

Q. Yes, sir. A. Oh, I just kept them separate.

Q. Where is that kept? A. Kept it on a sheet of paper.

Q. Where is that paper? A. I looked for it this morning at half-past 6 and couldn't get it.

Q. Otherwise you have no record? A. No, sir; not that I know of now; I will look and see whether I can find it.

Q. Is it not a fact that every special appropriation made was made for your department? A. I don't know; I think that was all; the reason why that was done was Dr. MacDonald—when I went there the conditions were very bad.

Q. They ain't much better now from what you have said? A. Not much; but they were in pretty good condition two years ago—that everybody will say; everything was gone to pieces—the boilers and heating apparatus; you read in the papers that they could not heat the lunatic asylum in 1889; Dr. MacDonald so testified here, and he told me he was glad I had come back again—Dr. MacDonald did, when we were finishing up that work; now, the buildings were in a horrible condition when I took hold of them, when I was appointed the last time as chief engineer; I do not find fault with the commissioners for that because they thought they were going to abandon Flatbush and were going to St. Johnland, and they let the buildings get into pretty bad shape; they thought they would spend the money out at Kings Park—that was all.

Q. And that is the reason you think the special appropriations were made for your department? A. Yes, sir.

Q. Were you called upon, say within the past three or four or five years, to do anything in the hospital? A. Yes, sir; done all the plumbing—tore it out and put new plumbing in.

Q. When was this? A. I think it was in 1881, 1882 or 1883.

Q. Eighteen hundred and eighty-one, or 1891? A. Or 1891, I mean.

Q. Well, did you ever attend to it afterwards? A. There was a man there regularly afterwards; this man named Connolly—any leaks or anything, he always attended to them; he has always been there ever since.

Q. You never looked through it yourself? A. Yes, sir.

Q. When did you look through the hospital yourself lately? A. Monday morning.

Q. Did you go all through it? A. Went through the plumbing part of it—not the whole of it; I examined those closets; I don't do it every day.

Q. You say you went through last Monday? A. Yes, sir.

Q. Went through the whole building? A. Yes, sir.

Q. Wherever there was plumbing? A. I didn't go through the whole building—not in every room and closet and all that; but I went through the most of it.

Q. Did you go through every ward where there was a closet? A. I did the males, and about half the females.

Q. How frequently have you done that in the past year? A. Every three or two months, and sometimes every day; I wouldn't go all through.

Q. Did you notice when you went through the condition of the closets? A. It was not very good.

Q. It was not very good? A. No, sir.

Q. Leaks bound up with rags? A. No, sir.

Q. You are sure about that? A. Yes, sir.

Q. You never saw that? A. Yes, sir—I did.

Q. I am speaking of the hospital? A. Yes, sir.

Q. What did you mean by saying “no, sir,” a moment ago? A. I thought you asked me if I bound it up with rags.

Q. Oh, no—I asked you if you saw leaks bound up with rags? A. Yes, sir, I did.

Q. How many cases did you see? A. One.

Q. Is that all? A. Yes, sir.

Q. Aren't the closets in a generally filthy condition? A. Yes, sir; they are pretty dirty—but it is not my place to clean them.

Q. I know that—I want to get the fact, Mr. McCanna? A. Yes, sir—they are dirty, some of them.

Q. You were not the physician in charge, or the superintendent in charge? A. No, sir.

Q. You knew that the closets were in the same rooms with the wards? A. Yes, sir.

Q. And you knew that they did not smell good? A. Yes, sir.

Q. And you knew that there was not good ventilation there in the winter? A. That is right.

Q. You knew that? A. Yes, sir; I did.

Q. And you knew that many of the attendants and nurses got drunk because that was general talk there? A. I heard about it.

Q. Did you ever see a nurse drunk yourself there? A. I think I have.

Q. I guess so; they were not a very respectable lot on the whole, were they — these nurses, so far as you saw them? A. Well, I didn't have much to do with them.

Q. From what you saw of them? A. A man may not be very good looking man, and may be quite a good man at that, you know.

Q. That is so; I entirely agree with that; among all the mechanics that were employed there during those years there are very few plumbers; that is true is it not, Mr. McCanna? A. I think I had six or seven.

Q. There were dozens of masons, and dozens of carpenters? A. Yes, sir.

Q. That is true, is it not? A. Yes, sir.

Q. And dozens of painters who did not paint; that is true also, is it not, Mr. McCanna? A. Well, they all painted.

Q. Well, what do you mean now — painted the institutions red, or with actual paint? A. Painted them red, too; the institutions are all red.

Q. But with all those employes there were very few plumbers? A. There were seven I think at one time — yes, sir; there were seven plumbers.

Q. There were seven plumbers? A. Yes, sir.

Q. And yet the institutions, on the plumbing particularly were permitted to be run down so that the plumbing was tied up with rags and it was filthy and dirty there; that is so, is it not, Mr. McCanna? A. The mechanics had nothing to do with that.

Q. I don't say they did; the commissioners had something to do with it? A. Yes, sir.

Q. And the superintendent had nothing to do with it? A. Yes, sir.

Q. And if the superintendent of the hospital had asked for plumbers and others to fix up that institution, as the commissioners sent other mechanics to fix up other institutions, the condition of the hospital would have been much better and cleaner? A. don't know as the mechanics would have anything to do with the cleanness of it.

Q. The nurses would? A. Yes, sir; the nurses would.

Q. And if the plumbing had been better it would have been better generally? A. The plumbing was good enough except in cases where the rats ate it; that happened very often, probably every day.

Q. The condition generally of the hospital was dirty? A. Yes, sir.

Q. The mechanics could not have kept it clean, but somebody there could have kept it clean? A. Yes, sir.

Q. That is so, is it not, Mr. McCanna? A. Yes, sir.

Q. What did you have to do, Mr. McCanna, with reference to the preparation of the schedules? A. The schedules?

Q. Yes, sir. A. Well, I sent down to the commissioners, if they asked me to, anything that I thought was needed in the institution for the year; they generally notified each department.

Q. How would you arrive at the solution of the question as to what was needed for the year? A. Well, I would have to guess at that.

Q. Did you judge the future by the past? A. No, sir.

Q. You would not; judge the following year's schedule and make it up by the past year's at all? A. In some things; yes, sir—a good many things—but there is a great many things that you would not.

Q. That you would not? A. Yes, sir.

Q. And then you would guess at what you might need? A. Yes, sir.

Q. Well, how good a guesser were you? A. Well, I was pretty good.

Q. Were ever any suggestion made to you by the commissioners, or by friends or by contractors as to what should go into the schedule of the following year? A. No, sir.

Q. At no time? A. At no time.

Q. You did your own guessing? A. Yes, sir.

Q. And without consultation with anybody? A. Yes, sir.

Q. And when you came to the conclusion that certain articles were needed you would send your requisition down to the department? A. Once a year.

Q. For the entire year? A. Yes, sir.

Q. And do you know whether the commissioners relied entirely upon your statement? A. I know they did not.

Q. Did they add to it or subtract from it? A. Added and subtracted both.

Q. Then the commissioners, at times, would add articles to the schedules? A. I don't know as the commissioners done it.

Q. Well, it was done at headquarters? A. I couldn't tell who done it.

Q. Of course not; but somebody who had charge of making up the schedules of the department for that year added on to those

that you had for the year and what you considered necessary? A. Yes, sir.

Q. That is true, is it not, Mr. McCanna? A. Yes, sir.

Q. Well, were those articles thus added delivered at the chief engineer's department? A. No, sir.

Q. They were not asked for by you? A. No, sir.

Q. And were not needed? A. No, sir.

Q. And consequently were not delivered; that is true, is it not? A. Yes, sir.

Q. Answer, please, Mr. McCanna. A. Yes, sir.

Q. Did you ever make inquiry when you saw articles thus added to the schedules, why they were added? A. No, sir; never.

Q. It was not any of your business? A. It was not any of my business; no, sir.

Q. Did you ever notice, Mr. McCanna, that the results of having articles on the schedules which were not needed, and were never called for, gave contractors an opportunity of balancing their bids? A. Yes, sir.

Q. You noticed that, Mr. McCanna? A. Yes, sir; I noticed that.

Q. And you knew, of course, that that was not an honest way of conducting the business of the department of charities, giving contractors that opportunity? A. No, sir.

Q. You knew that? A. Yes, sir.

Q. Just as well as you knew that the payment of thousands of dollars for mechanics who did no work, as you testified yesterday, was not an honest method of conducting that department? A. Yes, sir.

Q. You knew that, too, Mr. McCanna? A. Yes, sir.

Q. And yet you were there to simply obey orders? A. That is right.

Q. That is the position you took? A. That is right; yes, sir.

Q. Do you recollect now just from memory any articles that were added to the schedule made up by yourself, after they had left your hands? A. No, sir; not particularly any article; there were several; the great trouble about the schedule was that articles were left on the schedule from years ago that ought to have been taken off.

Q. You often stated that? A. Well, I think I spoke to some of them about it.

Q. You spoke to some of the commissioners? A. I think so; yes, sir.

Q. What did they say? A. Well, I never bothered about it any more.

Q. You simply mentioned it and they took no action and that was the end of it? A. That was the end of it.

Q. Of course you received a copy of the schedule for each year in your department? A. Yes, sir — not prices, though.

Q. Not the prices? A. No, sir; I got them from the storekeeper.

Q. So that while a copy of the printed schedule was sent to your department — A. No, sir; got that from the storekeeper.

Q. Now, what do you mean you got from the storekeeper? A. I got a printed copy of the schedule from the storekeeper.

Q. Containing prices and all? A. Yes, sir.

Q. So you had before you — A. Not always.

Q. Didn't you have from the storekeeper a complete copy of the schedule such as the contractors bid on? A. Yes, sir.

Q. That you had? A. Yes, sir.

Q. With the number of the items? A. Yes, sir.

Q. And the prices at which it was bid? A. Yes, sir.

Q. So you could tell, as well as any other person, a high-priced article and a low-priced article? A. Yes, sir.

Q. That is true, is it not, Mr. McCanna? A. Yes, sir.

Q. Do you recollect the item, say, of park urinals? A. Park urinals?

Q. Yes, sir; park urinals? A. I think I do; yes, sir.

Q. Now, that item of park urinals appeared upon the schedule of 1889? A. Yes, sir.

Q. In which Schedule 1 was advertised for; do you recollect that fact? A. I remember that park urinals was on the schedule; I knew we didn't want them.

Q. The successful bidder in 1889 bid \$125 for it, and none was asked for and none were demanded — but that item remained continually upon the schedules year after year? A. Yes, sir.

Q. You recollect that fact? A. I remember that one item; yes, sir.

Q. Until they remained on so long that the market got so cheap that from \$125 apiece they came down to five cents apiece; do you remember that? A. I think I remember something about that.

Q. Now, was there, in fact, no need of park urinals in that department? A. Not that I knew of; no, sir.

Q. Couldn't they have been used around the grounds profitably? A. That was a question for the commissioners to determine.

Q. I understand that; I am asking your opinion? A. They are making a park there.

Q. The almshouse grounds has very many men constantly around them? A. They have a large closet there the same as they have on a ferry boat or a ferry dock.

Q. What was the object of originally advertising for park urinals? A. I don't think there was any.

Q. Then what could have been the object of increasing that item from one to a dozen? A. I can't say.

Q. You didn't have anything to do with it? A. No, sir; not a thing.

Q. You never put in your request for them? A. No, sir.

Q. Do you know who did? A. No, sir.

Q. Did you speak about it as being a matter that ought not to be there? A. I think I spoke about several things.

Q. And that among the rest? A. I think so; yes, sir.

Q. You recognize the fact that an item of 12 articles, or \$125, is a normal market price in a class item where an honest bidder could only bid \$125—an honest bidder who believes that the article will be called for—and the other bidder, dishonest or otherwise, who knows the article will not be called for and bids five cents a piece, or 60 cents a dozen—would make a vast difference in that particular class? A. Yes, sir.

Q. You recognize that, don't you, Mr. McCanna? A. Yes, sir.

Q. You must have recognized it at the time? A. What is that?

Q. The vast difference between the honest bidder and the per-

son who knows that an article will not be called for—in their method of bidding on such an item? A. I never noticed; it was none of my business and I didn't bother with it.

Q. But you did notice that they kept on the schedule this item of park urinals? A. Yes, sir.

Q. Which was never called for? A. Yes, sir.

Q. And you must have noticed the deterioration in price? A. I noticed it was very small, but in fact I never went to the park to look at the urinal; I saw the price—didn't know what it was worth.

Q. Being a thing that you knew was not wanted, it was not called to your attention specially? A. No, sir.

Q. Is that right? A. That is right.

Q. You recollect also that when steam kettles were needed for the building they came in on your requisition for the year? A. Steam kettles?

Q. Yes, sir; steam kettles? A. I think it did once.

Q. Do you recollect at any time when there were three steam kettles—three items of steam kettles on the schedules, of various capacities? A. I saw it; I think I have seen it; yes, sir; my attention was called to it when this investigation started.

Q. Your attention was never called to it before? A. No, sir; it didn't bother me; it didn't make no difference to me what a man bid; it was none of my business, and so far as prices are concerned it was none of my business.

Q. You were not interested in that at all? A. No, sir; I was not interested in that at all.

Q. No contractor spoke to you and said you had better fix this up and we will divide? A. Never — never; no contractor ever came to me.

Q. You didn't make any money in that way? A. No, sir.

Q. They never came to the chief engineer? A. No, sir.

Q. Neither to you or any of your subordinates? A. Not that I know of.

Q. Were you aided by anybody in making up the requisitions — by your subordinates? A. If there was anything in the store that

was called for and needed, no matter what it was, no matter what price or anything else, if it was needed we put it on our requisitions to be got.

Q. They did the clerical work for you? A. Yes, sir.

Q. Could it be possible that any of your subordinates at that time could have been in collusion with any contractor? A. I don't think so.

Q. You were on friendly terms of course with all the mechanics there, so far as you saw them and knew them? A. Well, I couldn't say that.

Q. Did you know Altenbrand personally? A. Oh, yes, sir; I knew him when he was superintendent of the poor.

Q. And Connolly? A. Yes, sir.

Q. And Murphy? A. Yes, sir.

Q. And Lynch? A. Who?

Q. Lynch, a blacksmith, I think? A. Yes, sir.

Q. Did any of these men ever work at your house, Mr. McCanna? A. Not to my knowledge; no, sir — not that I remember.

Q. You would know it if they did? A. Probably; I don't remember any; couldn't remember.

Q. Well, would you say they did not? A. Connolly, Lynch—yes, sir.

Q. Connolly or Altenbrand or any of those — Murphy? A. I think that Altenbrand pruned some grapes for me once for about an hour.

Q. Did he ever do any carpenter work there? A. Never; no, sir.

Q. Did Connolly ever do any plumbing work? A. Never; no, sir.

Q. Do you know a man named Steinbrenner? A. Steenwerth.

Q. No; not Steenwerth — Steinbrenner? A. Steinbrenner; no, sir.

Q. You know Steenwerth? A. Yes, sir; got him discharged.

Q. Why? A. He didn't do his duty properly.

Q. Then he didn't resign? A. Well, he had to resign.

Q. Did he resign compulsorily or voluntarily or did you discharge him? A. Compulsorily.

Q. You asked for his resignation, did you? A. Yes, sir.

Q. He is now engineer in the male high school? A. So I see in the papers.

Q. Do you know how long Steenwerth had been employed in the department? A. I guess twenty years—probably eighteen or twenty.

Q. And you say he was not a competent engineer? A. Well, I don't say that; he was competent enough.

Q. What did you discharge him for? A. He didn't do his duty, and several other matters.

Q. Was he first assistant chief engineer under you? A. Yes, sir.

Q. Did you prefer charges against him? A. I did; yes, sir.

Q. To the commissioners? A. Yes, sir.

Q. And they investigated the charges? A. Yes, sir.

Q. And asked for his resignation? A. I think that is right.

Q. Is that right, Mr. McCanna? A. I don't know what they done; I think that is right.

Q. Where do you live, Mr. McCanna? A. I live at the corner of Clarkson street and Rogers avenue, in the Twenty-ninth ward.

Q. A small house is it; or is it a large piece of ground? A. It is a large piece of ground.

Q. About how large? A. I think it is 100 x 200; I bought it in 1867.

Q. And you have been residing there almost that length of time? A. Yes, sir; I have been there ever since.

Q. The house has been enlarged of late years? A. Yes, sir; I contracted the work out to a man named Burke.

Q. About when was that done? A. I think it was the commencement of 1893.

Q. What Burke was that? A. A man that lived in New Lots—that built that house; I have got all the papers and everything.

Q. I don't want the papers; and he made a contract for overhauling the house entirely, and building an addition to it? A. Yes, sir; that is right.

Q. And was that the time the new cement walk was laid around it? A. No, sir.

Q. When was that new cement walk laid around the house? A. I think that was in 1891.

Q. And who made that walk? A. A man by the name of Gillman.

Q. Do you know how many feet long that sidewalk is? A. Yes, sir; I know every inch of it.

Q. About how many feet is it? A. About 400 feet—about 1,500 square feet.

Q. That is, it would be 400x4? A. 400x5.

Q. Is it not the full width of the sidewalk? A. No, sir; it is about 5 feet.

Q. Did you contract for that? A. Yes, sir; I bought the cement from a man named Cremer, that works for Funch, Edye & Co.

Q. How many barrels of cement did you use for the walk? A. I can't tell you just now; I have got the bill.

Q. Give us an idea about it; you know all about that? A. I think from 50 to 60 barrels.

Q. Could it have run up to as much as 75 barrels? A. No, sir.

Q. And who do you say did the work? A. Gillam.

Q. Where is his place? A. He was the engineer to the Flatbush gas-house.

Q. Was this cement furnished by Gillam? A. No, sir; it was furnished by Cremer.

Q. You bought the cement yourself? A. Yes, sir; and bought it cheap; it was damaged cement that came over in a German ship; I knew Cremer when he was a Government employe; he was one of the ship's agents, and he had a sidewalk built, and I looked at his sidewalk one Sunday morning, and he told me what it cost him, and I said, "If you can get any cement for me, just get it for me and I will pay you."

Q. And it was purchased through Funch, Edye & Co. by Cremer? A. Yes, sir.

Q. You got a bill for it? A. Yes, sir.

Q. From Cremer or Edye? A. From Cremer.

Q. None of the cement has ever been delivered from the county institutions? A. No, sir.

Q. There is no use of raising your voice, Mr. McCanna, I want the facts? A. Some loafer, I suppose, has said something about this.

Q. These are things that are being said, and I want to give you the opportunity of saying what you know about them; you say none of it was furnished by the county institutions? A. No, sir.

Q. Was any of the same cement furnished to the county institutions? A. Yes, sir; they used barrels and barrels of it.

Q. What kind of cement do they use in the county institutions? A. They use Portland and use different kinds — common cement and Portland cement.

Q. Do they ever use imported cement? A. Yes, sir.

Q. That is Portland cement? A. Yes, sir.

Q. Now, was this cement that you got also damaged Portland cement? A. Yes, sir.

Q. It was damaged Portland cement? A. Yes, sir; came from Germany.

Q. And it was carted there to your house by cartmen? A. Yes, sir; by trucks.

Q. By Cremer? A. I don't know who carted it; I will tell you what I borrowed from the county to cover it over with; I borrowed one of those tarpaulins — that is all, when they were not using it.

Q. Now, did Steenwerth ever do any work in your house? A. No, sir.

Q. At no time? A. No, sir; at no time.

Q. Of course you would know if he had — there is no question about that? A. I don't know.

Q. He wouldn't be likely to do any work in your house unless you asked him to? A. No, sir.

Q. And the same thing would apply to Altenbrand, Connolly, Murphy and Lynch? A. Yes, sir.

Q. You own other real estate, do you, Mr. McCanna? A. Yes, sir; I have a couple of little houses over in Flatbush, for which I worked hard for 30 years.

Q. I am not questioning anything of that, Mr. McCanna; I simply want to get the fact; you own two little houses in Flatbush, in addition to your house? A. Yes, sir.

Q. You live in Clarkson street? A. Yes, sir.

Q. You own one other besides that? A. I own two — worth about \$2,500.

Q. Does the store in which the undertaking establishment is belong to you? A. Yes, sir; and another one.

Q. Do you own property in Carnarsie, too? A. No, sir.

Q. Property was left to you, Mr. McCanna? A. Yes, sir; by my father.

Q. By your father? A. Yes, sir.

Q. How long ago was that? A. I guess 15 or 20 years ago.

Q. Is that some of the property that you still own? A. Yes, sir; I still own that.

Q. And where is that? A. It is located at the corner of Bushwick and Maspeth avenues.

Q. What was your salary when you were first employed as engineer in that department? A. One thousand two hundred dollars, I think.

Q. And then it gradually rose? A. Yes, sir.

Q. How long did it remain at \$1,200 — I ask you just as near as you can recollect? A. Probably a year or two years.

Q. And then it was raised to what? A. It was raised to what it is now — \$2,500; it was raised to \$3,000.

Q. It was raised to \$3,000 when? A. I think it was August, 1893.

Q. Eighteen hundred and ninety-three, was it? A. Yes, sir; 1893.

Q. During the Gott, Nolan and Murphy regime? A. Yes, sir.

Q. And it continued at that until Simis and Henry came in? A. Yes, sir.

Q. And they reduced it to \$2,500? A. Yes, sir; and they wanted to take \$250 off from me that I had earned.

Q. You did return it under protest, but got it back again? A. Yes, sir.

Q. And up to that time it was \$2,500? A. Yes, sir.

Q. And has been \$2,500 for how many years about? A. It was \$2,500 when I went back to the department.

Q. That was in January, 1890? A. I was five years out.

Q. I know, but was it \$2,500 when you went out? A. No, sir.

Q. Well, how much was it when you went out? A. I think it was \$1,800.

Q. So that from the time that you were appointed until you went out in 1885— A. No; 1882, I think.

Q. Eighteen hundred and eighty-two, was it? A. Yes, sir; I think so; it was the year Cleveland was elected, or the year I ran for tax collector; I think it was in 1883.

Q. Up to that time the salary was from \$1,200 to \$1,500? A. Yes, sir; I then was elected tax collector and also served the government at the same time.

Q. And during that time you were out holding those positions, tax collector and serving the government? A. Yes, sir.

Q. And then after that you went back again at a salary of \$2,500? A. Yes, sir.

Q. Of course, during all this time, you were active in your political organization? A. No, sir; I was not.

Q. Well, can you tell how it was possible for you to be so prominently identified with the party as to receive the nomination and election as tax collector— A. I didn't get the nomination; I ran without a nomination.

Q. Did you nominate yourself? A. I ran before the people and was elected—beat the Republican and independent.

Q. And you were at least prominent enough in politics to have a federal office? A. Yes, sir.

Q. Don't hide your political light under a bushel, Mr. McCanna. A. Oh, no, sir; I have no prominence.

Q. You must have had some prominence in the party. A. The party might think so—I didn't.

Q. You are always on friendly terms with the leaders of the party? A. Not always; no, sir.

Q. Nearly always; when they thought as you did you were on friendly terms with them? A. With some of them.

Q. You are on friendly terms with Mr. Shevlin? A. Well, I can't say that I was unfriendly.

Q. Well, his brother was one of your assistant engineers under you, was he not? A. Yes, sir.

Q. And he was appointed by reason of Mr. Shevlin's influence, was he not? A. That is a hard question, counselor.

Q. Well, do you consider it a hard question to answer? A. Yes, sir.

Q. Your smiles seem to indicate that you know more about it than you care to state; what do you think about it? A. Well, I guess it is true.

Q. And you know that Mr. Coffey, the present Senator, has also a brother out there in the department? A. I don't think Coffey had much to do with appointing him.

Q. He hadn't much to do with having him appointed? A. With having him appointed; no, sir.

Q. You think that is so? A. Yes, sir.

Q. You think the commissioners had the appointment? A. No, sir—not the Senator.

Q. The former alderman? A. The former alderman—I don't think he had anything to do with it.

Q. And then there were very many people from the Fourteenth ward that were appointed there, weren't there, Mr. McCanna? A. Yes, sir.

Q. And that was Mr. Nolan's ward? A. Yes, sir.

Q. Commissioner Nolan's? A. Yes, sir.

Q. And there were very many of these Fourteenth ward people who were frequently absent, weren't there Mr. McCanna? A. Yes, sir.

Q. Yes; Lawrence Carroll, usually called Larry Carroll, was a Fourteenth ward man? A. He never was in the department.

Q. He was never in the department? A. No, sir; never drewed a cent as long as I know of—that is, he was not in my department.

Q. You are sure about that? A. Positively, because I know him—I happened to be brought up with him.

Q. What department was he in? A. I can't tell you; he never was in mine.

Q. What was his business? A. Larry Carroll.

Q. Yes, sir? A. I think he is a boiler maker—no; he never was in the department since I was in it.

Q. What; not in the entire department? A. I can't tell you that, not in the department I was connected with; there is a Carroll, a tinsmith; the Larry Carroll that worked there, but he belongs in South Brooklyn.

Q. There was a Lawrence Carroll there? A. Yes, sir.

Q. But he belongs in South Brooklyn? A. Yes, sir.

Q. He was not the Fourteenth ward Larry Carroll? A. No, sir; the way I recollect is on account of the two days pay—do you remember?

Q. But you say there are two men by the same name belonging to different portions of the city? A. Yes, sir.

Q. Did you ever in looking over the pay-rolls and time-books, did you ever notice the fact that a large increase of the force of the department mechanics occurred in the fall of the year; now, you smile again, Mr. McCanna? A. Well, the commissioners used to provide work for them then.

Q. The commissioners used to provide work for them at that time? A. Yes, sir.

Q. Did you know or did you surmise the fact that the closeness of an election had anything to do with the commissioners providing work for them? A. Well, it might have had something to do with it I suppose.

Q. Well, didn't you know that it had much to do with it? A. Well, I don't know, of course; I didn't know their minds.

Q. But you know that that was the object? A. Well, most anybody would think that way anyway.

Q. And wasn't that the time of the year when they came to you with notes; "appoint so and so, and so and so, and put them to work"—without resolution of the board? A. That is right.

Q. That is right, is it not, Mr. McCanna? A. Yes, sir.

Q. They used to come pretty thick and fast at that time of the year, so that the pay-roll ran up from \$2,000 to \$6,000 a month; that is true, is it not? A. Well, the pay-roll shows that.

Q. Did you consider that an honest way of conducting a department of charities, Mr. McCanna? A. Well, not in my own point of view; no, sir.

Q. Of course you were compelled to make room for these people as they were sent to you? A. I don't think that requires any answer.

Q. Well, the only answer is "yes;" isn't that so; you obeyed the order of the commissioners? A. Why, of course.

Q. If they had sent you a regiment to put them to work you would have done what you could to put them to work; that is right, Mr. McCanna? A. Yes, sir.

Q. And as you stated yesterday, any statement on your part to the commissioners might have resulted in their saying it was not any of your business? A. That is right.

Q. So while you were chief engineer and these men were ostensibly under your charge, and you were ostensibly responsible for them, as a matter of fact the commissioners themselves were responsible for the manner in which your department was run? A. The Legislature has shown that by passing an act making me a little more independent so as I could do some things that I could not do if it was not passed.

Q. That is, the act of the Legislature making your position in a measure a life position was for the purpose of giving you greater power and greater superintendence over the work than you had theretofore had? A. Yes, sir; and probably I could talk a little stiffer to the commissioners.

Q. After the passage of that act did you talk stiffer to the commissioners? A. Well, I think I did in a great many cases.

Q. That act was passed in March, 1893? A. Yes, sir.

Q. And yet they continued to send a great many laborers after that? A. Yes, sir; but there was some of them I objected to.

Q. On what ground? A. I didn't think they were the proper persons to do that kind of work — which I would not have done if the act was not passed.

Q. Did you object to them because there were too many of them, and you didn't need them? A. Yes, sir.

Q. You did? A. Yes, sir.

Q. And 1893 was a very prolific year for the appointment of mechanics? A. Well, the commissioners provided for all this work.

Q. What is that? A. The commissioners provided for all this work.

Q. I assume they did for all the work that was done, if there was any done? A. Oh, there was a great deal; it has been all explained.

Q. That chapel was commenced in 1893? A. Yes, sir; in the fall.

Q. Was that around election time? A. Yes, sir; just a couple of months before.

Q. Do you state that the building of this chapel at that season of the year, not under contract but by day's work, was for the purpose of providing work for the faithful? A. couldn't tell you that.

Q. That is, you did not enter into the minds of the commissioners? A. No, sir.

Q. But it looks very much like it, didn't it, Mr. McCanna? A. Well, they couldn't get the appropriation before the board of estimate met, and the fiscal year of the county is the month of August, and of course you couldn't get the money and they had to start the 1st of September; I suppose that would be the excuse.

Q. That chapel has been needed for years, hadn't it? A. Yes, sir.

Q. And before that chapel was built all the buildings, new buildings were erected by the board of supervisors? A. Yes, sir.

Q. The charities commissioners never erected new buildings before that? A. No, sir; they built another building there.

Q. What building was that? A. For idiotic children.

Q. And the boiler-house of the penitentiary, too — that was a new building? A. Yes, sir; that was a new building, the asylum boiler-house.

Q. But prior to the time of the Gott, Nolan and Murphy — prior to the time when you were in before — all new buildings were erected by the board of supervisors? A. Yes, sir.

Q. And under a contract with the contractors? A. Yes, sir.

Q. And not by days' work? A. No, sir.

Q. From your experience do you consider it cheaper to contract for work or do it by days' work? A. Well, if I was building a house for myself I should contract.

Q. Well, if you were doing a sworn duty to the county, which had placed you in a position of importance and trust, what would you do? A. I think I would contract for a new building.

Q. Do you consider that the chapel was erected as cheaply under the immense number of laborers that you had there as it could be by contract? A. There wouldn't be much difference; they worked pretty hard on that job.

Q. What do you think? A. Well, they worked pretty hard on it.

Q. Do you consider it was done as cheaply as it would be by contract? A. There might be some difference.

Q. In favor of the manner of doing it by contract? A. Yes, sir; there might be some — very little.

Mr. Schulz.— This committee will now stand adjourned until 2.50.

PROCEEDINGS OF THURSDAY AFTERNOON, SEPTEMBER
26, 1895.

Present.—Messrs. Schulz and Whittet, of committee.

Mr. Hugo Hirsh, of counsel.

Patrick McCanna, being recalled for further examination, testified as follows:

Examined by Mr. Hirsh:

Q. Mr. McCanna, in making up the first year's schedule, when you were there again in 1890, did you look at the schedule for 1889 at all? A. Yes, sir.

Q. So far as the needs of your department was concerned? A. That is all; yes.

Q. Did you make any alterations in the schedules for the year 1890, or did you suggest any alterations to the commissioners? A. No, sir.

Q. None at all? A. No, sir; that I don't remember of; I probably might have.

Q. I want to call your attention where, for instance, in the old schedule an item was called for like this; castiron pipe, four to six

inch, for water — did you suggest that they should make three different items of this, castiron pipe, four inch, five inch and six inch — separately? A. I don't know; I don't remember that; no, sir; I think not.

Q. Or where castiron bends had been in the old schedule six to eight inch, did you suggest the making of separate items of each size? A. No, sir.

Q. You never did that; did you notice in subsequent schedules that they altered from the schedule of 1889 into separate items? A. No; I think not; I don't remember that I have; I tell you what I suggested when I come there, a great many things to be taken off that wasn't wanted on the schedule; but it wasn't done.

Q. You did suggest that? A. Yes, sir; I don't know what the articles was now.

Q. Well, did they take them off or did they put on additional? A. No, sir; they didn't take them off.

Q. Do you recollect now any particular item that you suggested that they should take off? A. Yes, sir.

Q. What? A. Six-inch pipe, faced and flanged.

Q. Well, that wasn't taken off, was it? A. No, sir; it wasn't taken off.

Q. You didn't use any of that? A. No.

Q. Did you know William H. Hanna? A. I have saw him, yes.

Q. Were you on intimate terms with him? A. No, sir.

Q. Did he ever make any suggestions to you as to the manner in which these schedules for your department should be prepared? A. No, sir.

Q. Do you know Mr. Birkett? A. Yes, sir.

Q. Know him well? A. Well, no; not well, no, sir.

Q. Did he ever make any suggestions of that kind to you? A. Never; no, sir.

Q. When you sent in requisitions to the department for things that were necessary in your department did you make out the requisitions yourself? A. No, sir.

Q. Who made them out? A. The clerk—or storekeeper.

Q. Your storekeeper, not the general storekeeper? A. No; my storekeeper of course.

Q. And then did you look over the requisitions? A. Yes, sir, see whether they were needed or not.

Q. Did you ever notice that the schedules contained certain items of a high price and then certain items of a low price similar in character? A. Similar in character?

Q. Similar in character? A. No, sir.

Q. Never noticed that on the schedules? A. Not if they were similar in character; no, sir.

Q. Was the hardware and axes and saws and files in your department? A. Some of it.

Q. Some of them were? A. They were sometimes taken in my department; sometimes the heads of the different departments would call for them; generally saws and such things were under the superintendent; the mechanics in my department furnished their own tools; paupers and patients the general superintendents generally furnished them for their work.

Q. Was an article like a steam boat bell in your department? A. I remember they wanted a steam boat bell once put up in the hospital for incurables once; I never put it on the schedule; it was added on by the commissioners.

Q. You never put it on? A. No, sir.

Q. Do you know whether it was ever used or purchased? A. I don't remember; I think not.

Q. Do you know anything of the value of a steam boat bell weighing 100 pounds, of the best bell metal?" A. It would be I couldn't tell exactly; probably worth—bell metal is of different prices you know; it depends on the quantity of silver in it.

Q. Well, where the schedule would say, "a steam boat bell, weighing 100 pounds, of the best bell metal?" A. It would be worth about 30 cents a pound; that would be about \$30; yes; that is my opinion.

Q. There is a steam boat bell on the schedules of 1892 and 1893 where the successful bidder in that class bid \$2.50 for it; don't think it could be purchased for that, do you? A. No, sir; I don't.

Q. And it was not called for; did you also have the ships scrapers; was that in your department? A. No, sir; that is a matter for the superintendent of the lunatic asylum, scraping the floor.

Q. And grind-stones? A. Large grind-stones?

Q. Yes. A. There wasn't any bought in my time, I don't think.

Q. Are those in your department? A. No, sir; there are small stones for sharpening knives in the different departments.

Q. Well, these weighed 300 pounds and 600 pounds? A. I think we had one 600 pounds; it was bought before my time.

Q. Did you ever suggest that these were necessary? A. What, grind-stones?

Q. Yes. A. No, sir.

Q. Then they were inserted in the schedule of your department without your knowledge? A. Yes, sir.

Q. Were scoops and hatchets, and hammers in your department? A. Scoops, yes; those are shovels, to shovel coal with.

Q. Shovel coal, yes; do you know whether you needed any? A. Oh, yes.

Q. Constantly needed them? A. All the time; yes, sir.

Q. A large number of scoops, hatchets, hammers, bent screws, circular snips, tinsmiths' snips and sledge hammers, stone hammers, paving hammers, and claw hammers were upon the schedule of 1892 and 1893, and yet none of them were called for. A. Wasn't they on '90 and '91?

Q. I am speaking now about the schedule of '92 and '93? A. Oh; I think they were in '88 and '89.

Q. That may possibly be so; I am speaking now of the schedule of 1892 and 1893. A. Yes; they were, I think.

Q. Did you put them on? A. No, sir.

Q. Well, if you didn't put them on your requisition they weren't needed? A. No, sir.

Q. Then who else could have put them on? A. I couldn't tell you.

Q. They were put on at headquarters after your requisition came there, is that it? A. After or before, I couldn't tell; you mean the schedule, not the requisition.

Q. Well, your requisition for the year, I mean? A. Yes, schedule for the year.

Q. Did you ever send in a requisition, or did you put upon your

schedule for the year 1892 and 1893, that you needed mortise locks? A. Does it say what kind they are?

Q. Japan, Tappan and Hackett, two keys to each lock, right and left, male and female. A. I think they are used in the lunatic asylum.

Q. Do they come in your department under your requisition? A. Sometimes, and sometimes the superintendent would make a requisition for them.

Q. There are three kinds of mortise locks on the schedule for 1892 and 1893, one kind the bidder bid \$40 a dozen for; another kind \$11 a dozen, and another kind 50 cents a dozen? A. I can't tell.

Q. Can you tell why it was that only the \$40 a dozen were called for? A. No, sir.

Q. The call was made by you or your clerk, isn't that so? A. Can't tell that; might be made by the superintendent of the asylum.

Q. Wouldn't it go through your department? A. Not always; no, sir.

Q. Did you use any combination lock, Yale, male and female, right and left, two keys to each lock? A. Lunatic asylum.

Q. You didn't order any? A. I don't know that I did; I might order some.

Q. Did you know the value of any of the articles, personally? A. The value never occurred to me; it was the material that I wanted; I never look over it.

Q. To see what the price was? A. What the price of anything was, because that didn't concern me.

Q. Did you ever know what the intrinsic value of the articles were that were in your department? A. Did I ever know —

Q. The value, the market value, of each of any of the articles that came under your — A. Never inquired; no, sir.

Q. And you never knew? A. No, sir; I have no business to.

Q. It was directly in your department to use square bolts, wasn't it? A. For wagons.

Q. That came directly under your supervision? A. Yes; some of them.

Q. In the schedule of 1892 and 1893 the commissioners advertised for four sizes of square bolts, brass, as follows — A. Brass bolts?

Q. Brass bolts; yes. A. Go ahead; read them.

Q. Two and one-half-inch, 3-inch, 4-inch and 6-inch; do you know what they were used for? A. For closets.

Q. Do you know what the difference in the value of those bolts was? A. No, sir; I don't.

Q. The bidder bid 50 cents a dozen on the 2½-inch; 75 cents a dozen for the 3-inch; \$1 a dozen for the 4-inch; and \$9 a dozen for the 6-inch; the only call that was made was for the \$9 a dozen, or 6-inch; can you explain that? A. No, sir; I can not.

Q. Were wheelbarrows also in your department? A. Iron, yes; not wood.

Q. Earthen pipes and earthen elbows and earthen tees, and bends and Y's, were all in your department? A. Yes, sir.

Q. In 1892 and 1893 the department advertised for earthen pipe, 4-inch, 6-inch, 8-inch and 12-inch, each on a separate line; the bidder bid one-half cent a foot for the 4-inch; 18 cents a foot for the 6-inch; 20 cents a foot for the 8-inch, and one-half cent a foot for the 12-inch; which, in your opinion, is the most expensive pipe, Mr. McCanna? A. In my opinion the 12-inch.

Q. So that a bidder who bid one-half cent for that, and 20 cents for the 8-inch, must have some idea that the 12-inch wouldn't be called for, but that the 8-inch would? A. I have nothing to do with that; I don't know anything about that.

Q. You never informed anybody as to what would be called for? A. No, sir.

Q. Did ever anybody come to you to make inquiries? A. No, sir.

Q. Do you know Mr. Curtin, who was formerly with Mr. Birkett? A. I have saw the gentleman; yes.

Q. Did he ever come to see you? A. No, sir.

Q. Was it a matter of talk either by you or your clerks or the employes as to what the character of the earthen pipe would be that would be used? A. Not to my knowledge.

Q. You say your clerks prepared the requisition, and they knew,

of course, what you needed for the coming year? A. I don't know whether they knew or not.

Q. Well, if they prepared it with your help, or under your supervision, they would know? A. Yes, probably; I don't think they did, though.

Q. Well, why couldn't they know, Mr. McCanna, if they helped you to prepare the schedule for the year? A. Well, they might know something about it; it was only guess work anyway for a year.

Q. I know; but upon that guess work the department, largely, prepared its schedules? A. Yes.

Q. Do you think it was possible for anybody in your office to have given away to any contractor who was friendly what the particular items would be that would be needed the coming year? A. I don't think so; no, sir.

Q. Can you explain how it was possible for a contractor to be able to bid in such a way, as, for instance, 5 cents apiece for park urinals? A. No, sir.

Q. That they wouldn't be called for, and one-half a cent a foot for earthen pipe that wouldn't be called for, and so on; can you explain that, unless it is that they knew something about the needs of the department? A. No, sir; I can not; the commissioners could call for it all if they wanted it.

Q. You say you had a copy of the schedules yourself furnished you by the storekeeper? A. Yes, after it was—

Q. After the contracts had been made? A. After the contracts.

Q. And from that copy of the schedule you would order by the number on the schedule? A. What was wanted.

Q. Yes; in looking over the schedule, before you gave the order, did you notice the price? A. Never occurred to me at all; anything that I wanted, didn't make any difference to me what the price was; you couldn't use a 6-inch pipe in place of a 2; you couldn't use a 12-inch pipe where there was a 10-inch; we have got pipes in the institutions runs from one-eighth up to 12-inch.

Q. Then you can't say how it was possible for a contractor to be able to bid successfully and simply bid on articles that wouldn't be called for, at a very low price, and bid on articles that were called for, at a very high price? A. I can not; no, sir.

Q. Now, earthen elbows were advertised for in the same way as the pipe, in four different sizes—4, 6, 8, and 12-inch, and the successful bidder bid as follows: one-half cent each for the 4-inch, 90 cents each for the 6-inch, 75 cents each for the 8-inch, and 1 cent each for the 12-inch; you notice a great disparity in price there?

A. Yes.

Q. Now, if none but 6-inch and 8-inch were called for at the high price of 90 and 75 cents, do you say that it was simply a bit of guess work on the part of the contractor? A. I don't see anything else.

Q. Couldn't be possible that anybody could have furnished information, either from your department or from the department at headquarters at Elm place? A. Well, I can't; I am only talking for myself, counselor.

Q. You furnished them no such information? A. No, sir.

Q. Were ranges under your department? A. Once in a while, and sometimes the head of a department ordered a range.

Q. And the water backs, belonging to the ranges were those also in your department? A. No, sir; I don't think there was any used in the department; there wasn't any here—a short time after I went—the hot water is heated now by the circulation of hot water through a wrought iron boiler.

Q. In all the institutions? A. Yes, sir.

Q. Lead pipe was in your department was it? A. Yes, sir.

Q. And lead traps? A. Yes, sir.

Q. What kind of lead traps did you use mostly there, what size? A. I think 2 inch, 1½ inch, in my opinion.

Q. Did you ever use any 5 inch or 4 inch? A. Yes; those are for water-closets, but there ain't so many.

Q. Didn't use so many of those; do you know why it is that the kind that you use mostly of were very much higher than the kind that you used little of? A. No, sir.

Q. Were bibb cocks in your departments? A. Yes, sir.

Q. What size did you use of that? A. I think five-eighths and three-quarters.

Q. Used no half-inch? A. Very few.

Q. Can you tell how it was that the bibb cocks of which you used

most, namely five-eighths inch, were bid at \$15, while the half-inch, at \$2? A. I couldn't tell you, no, sir.

Q. Did you use stop and waste cocks? A. Yes, sir.

Q. Used many? A. Well, quite a good many of those.

Q. What size did you use most of? A. I think five-eighths.

Q. Do you know why it was that the five-eighths inch stop and waste cocks were bid for at \$6.50 a dozen, and the three-quarter, of which you used very little or none, were only \$1? A. No, sir.

Q. Being a larger size? A. No, sir.

Q. What kind of iron were you most in the habit of using there? A. Well, round, square, flat iron.

Q. What kind, Russia, sheet iron, was it Russia iron? A. Yes; some Russia, yes; for stove pipe.

Q. Well, did you use any sheet iron? A. Galvanized.

Q. Well, not galvanized; did you use any other than galvanized? A. Yes, sir.

Q. Much of it? A. Well, not a great deal; what size is it?

Q. Thirteen by sixteen inch; ever use any of that kind? A. That is No. 13.

Q. No; "sheet-iron wrought, best quality, 13x16 inch. A. That is a mistake.

Q. You never asked for any of that? A. No, sir.

Q. Did you ever use any wrought-iron No. 12? A. No. 12, yes.

Q. Did you use any in 1892 and 1893? A. No, I couldn't remember; use that for covers of steam kettles.

Q. Did you use any galvanized iron No. 24, or galvanized iron No. 26? A. Yes, sir.

Q. Which did you use? A. Used both.

Q. Can you tell how it is that on the schedule of 1892 and 1893, there appear these items: "Sheet iron, Russia, clean, best quality," the bidder bid 12 cents a pound and 1,000 pounds was called for? A. Russia iron?

Q. Russia iron? A. Eighteen hundred and ninety-three was that?

Q. Fiscal year of 1892 and 1893; then they advertise for "sheet iron of the best quality, 13x16-inch" and the bidder bids $\frac{1}{2}$ cent a

pound for that; for wrought iron No. 12, he bids $\frac{1}{2}$ cent a pound, and for galvanized iron No. 24 BB he bids $\frac{1}{2}$ cent a pound, and none of that was called for; can you explain that at all, Mr. McCanna? A. No, sir; I can not.

Q. Yet that was used directly in your department? A. Well, I don't remember.

Q. Can you explain how such a thing could come about, that the high-priced article as in this instance was called for, a large quantity, and the low priced article — A. Well, they wasn't both the same.

Q. No; different articles, but it was iron — A. Different sizes.

Q. Different sizes? A. I can't tell you; no, sir.

Q. What was iron wire used for? A. Iron wire was used for making—some of it used for making tin ware.

Q. That went by numbers too, didn't it? A. Yes, sir.

Q. Do you know what kind you used most of? A. I think stove-pipe wire was used the most.

Q. What was the number of it? A. That is a very low number.

Q. Numbers 0 to 6? A. I think something like that.

Q. Well in the schedule of 1892 and 1893 the department advertised for five different kinds, 0 to 6, 7 to 9, 10 to 11, 12 to 13, 15 to 16, and the successful bidder bid 10 cents a pound for the smaller size which you use most of, four cents a pound for the 7x9 and one-half cent a pound for the larger size, all the rest of them; can you explain that at all Mr. McCanna? A. I can not; no, sir.

Q. Similar questions to these I have put to you I put to Commissioner Gott and Mr. Murphy, and they stated substantially that you had charge of the matter, of the articles, that those were entirely in your department; that the making of the schedule for your department, was left entirely to you; and that whatever the chief engineer asked for, they gave him; that is not so? A. It is not so; no, sir.

Q. Or in other words, whatever was done in that department, in the chief engineer's department, which looked as if there had been collusions between the contractor and somebody, whoever it may be, whether you, your employes, or other employes, was blamable upon you; is that so? A. No, sir.

Q. From the statement that you made, which you identified to-day, this "Exhibit S. August 7, 1895," it appears that there were expended as you have already testified, over \$500,000 during those four years; now what in your opinion is the value of the almshouse as a building? A. I couldn't get on to that, it is too big.

Q. Well, it is a very plain brick building? A. Well, there are three buildings there.

Q. Well, they are all very plain brick? A. There is one of the buildings there, I know, that was built in 18 —

Q. Forty-eight? A. Oh, no; it was built in '68.

Q. Isn't the wooden building as old as '48? A. Oh, well, that is a very small one; the wooden buildings have all been torn down except one; I would think there is one building there cost \$200,000, the whole building; the last one was put up; it was put up in '60.

Q. Yes, but that is nearly 30 years ago? A. Yes.

Q. What is it worth to-day, in your opinion? A. Well, it is a very good building; it is worth as much to-day, if it had new floors and a little fixing, as it was the day it was put up; that is, on the walls and everything of that sort; wants a good deal of fixing, though.

Q. Well, do you appreciate the fact Mr. McCanna—you mean to say that it costs as much to-day to build as it did in '68, when gold was at a premium of 70? A. I think you could build it cheaper now than you could then.

Q. That is what I am asking you; I am asking you what, in your opinion, is the value of that building to-day? A. Well, probably \$100,000; half.

Q. You say the iron fence is going to rust? A. Yes, sir.

Q. That cost \$4,000? A. Yes, sir.

Q. To put up; couldn't be replaced for anything less than that probably to-day? A. I don't think it could.

Q. What, in your opinion, is the hospital worth? A. Oh, I couldn't make an estimate on that.

Q. Small building? A. It is a building 300 feet long by about 60 feet wide.

Q. Plain? A. Plain.

Q. It is not near as large as the almshouse? A. Well, it has got more walls into it; the almshouse has got large dormitories—the building itself, you know; there is a great deal of other work—heating and plumbing and all of that kind of thing taken into consideration; it would be a foolish approximate for me without—

Q. But it is all very old and dilapidated? A. It is old, yes.

Q. Well, now, in its present condition, not as a brand new building, but in its present condition, what, in your opinion, is it worth? A. I couldn't tell you.

Q. Is it worth more than \$75,000? A. I think so; yes, sir.

Q. Is it worth as much as the almshouse—\$100,000? A. I think it is; yes, sir.

Q. As it is now or to be replaced? A. To be fixed up a little; new flooring.

Q. Yes, but it costs a good deal to fix it up? A. Yes.

Q. I mean in its present condition, what is it worth? A. Well, I would rather—

Q. I simply want an opinion; you have been there for years and years, and you know the condition of the building; you put up buildings yourself, and you know what they cost, and I want your opinion on that as near as you can? A. Well, there is a water pipe and everything in the grounds that costs a great deal—you know, besides the building.

Q. I am not asking you about anything but the building? A. Building alone?

Q. The building alone in its present condition? A. I don't think you could build the building short of \$150,000.

Q. To be rebuilt? A. To be rebuilt.

Q. Brand new? A. Yes, sir.

Q. In good condition? A. Yes.

Q. That isn't what I want at all, Mr. McCanna; I want to know what the old building is worth now as it stands? A. That would be a hard matter to tell you — go to fix an old building up it costs quite a sum.

Q. Not to fix it up; just as it stands? A. Without any of the other buildings around it?

Q. Without anything but that building, bad plumbing, bad everything? A. Well, say \$125,000; put it at that.

Q. And what in your opinion is the asylum and annex worth? A. About a million, a million and a half.

Q. How many buildings are there? A. The asylum is 900 feet front.

Q. In Flatbush? A. Yes, sir, 900 feet front; sub-cellar, four story, some five story, some the wings, and it is 100 feet deep on the wings, and there is six wings.

Q. Do you know how much it cost to construct? A. I think it cost over a million; the annex alone cost \$140,000 to alter it.

Q. When was that altered? A. Eighteen hundred and seventy-five, I think.

Q. That is 20 years ago? A. Yes, sir.

Q. And how old is the main building? A. I think it was built in 1852.

Q. Well, do you consider that it is worth as much to-day as it was in 1852? A. Well it has been enlarged three times since.

Q. Now if the almshouse is only worth \$100,000 or thereabouts, the expenditure of over \$90,000 — A. I know, but that is only one building, there is three buildings.

Q. What are they worth? A. Each of them?

Q. All of them, the almshouse buildings? A. Oh, I guess the almshouse buildings are worth from \$500,00 to \$600,000, take them all.

Q. To replace? A. To be replaced; yes.

Q. You mean by that to erect entirely new buildings? A. Yes, sir.

Q. But those are old buildings, Mr. McCanna? A. It is a hard matter to approximate on those old buildings.

Q. Commissioner Simis testified that the almshouse buildings were very plain and somewhat dilapidated, and worth about \$100,000? A. The whole of them.

Q. Yes. A. He didn't know what he was talking about.

Q. You think they are worth half a million? A. I do, yes; what I mean the piping and everything connected with them.

Q. I am not speaking of the ground you know? A. Oh, now not the ground, but the apparatuses and buildings.

Q. Well the apparatus is very valuable — has nothing to do with the building? A. Well boiler-houses and engine-house, and laundries and all those, cook-house, and bake-house.

Q. Did you do any work inside of the almshouse? A. Yes, sir.

Q. How much work? A. Well, I couldn't remember.

Q. Can you tell anything about it at all, from memory? A. Yes; put stand pipes all over for the purpose of extinguishing fire.

Q. Did you do any work in the almshouse for the purpose of accommodating the inmates? A. Nothing but build a church.

Q. Was there any painting done inside of the almshouse? A. Yes.

Q. By you? A. Yes; by painters.

Q. Are you sure about that? A. Some, yes.

Q. Mr. Murray testified, that the painting inside was mainly done by inmates. A. All Mr. Murray's offices was done in 1893 by the department mechanics.

Q. Well, that is only a small room. A. Well, all the whole house; part of the men's building was done, and the buildings was all painted on the outside.

Q. I am speaking of the inside, Mr. McCanna; wasn't all the inside work, so far as the almshouse was concerned, always done by the pauper inmates? A. Not all of it; no, sir; the greatest part of it was done; they don't do any outside work there.

Q. Do you recollect Mott's steam kettles being on the schedules for 1892 and 1893? A. I think I do remember something about it.

Q. The advertised schedules were as follows: Steam kettles, Mott's, 60 gallons, 90 gallons, 180 gallons and 230 gallons. A. Yes.

Q. What kind was used ordinarily, what size? A. I think they used 60's, 180 and 100.

Q. Well, the 100 gallons wasn't advertised for; the 60, 90, 180, and 230 were advertised for? A. That is a mistake.

Q. Well now, the successful bidder, who was the Birkett Manu-

facturing Company, bid as follows that year,—10 cents each for the 60 gallons, \$100 each for the 90 gallons, 10 cents each for the 180 gallons and 10 cents each for the 230 gallons; did you ever know anything about that? A. Never occurred to me; no, sir.

Q. Will that answer cover the entire schedules, for the years 1890 to 1894, as to prices that you knew nothing at all about? A. Well, the prices never occurred to me; it didn't bother to me what the prices was; the commissioners had the powers to order these themselves if they wanted to; if I was a commissioner and knew the schedule in that way, why I would order those low-priced things whether I wanted them or not.

Q. So it was not dependent upon you that the low-priced things never were bought and the high-priced things always were? A. No, sir, nothing; I had nothing to do with that part of it; ordered goods that I really wanted without regards to price.

Q. Now it appears that in one of these years, you did order some of these low-priced kettles but they were not delivered; do you recollect any such circumstance? A. I don't remember that; no, sir; I might have done that.

Q. And they were again inserted in the following year's schedules and then the high-priced things were again ordered; do you know anything about that? A. No, sir; it was not in my power to scratch anything off the schedule.

Q. No; but it was in your power to order what you thought was best? A. What was needed by the heads of departments.

Q. Yes; what was needed; and if there was two things, one was high-priced and one was low-priced, of a similar character, as these kettles, it was in your power to order the high-priced thing instead of the low-priced things, if you knew the prices? A. Well, if they wanted a 100-gallon kettle, or 200-gallon kettle, I couldn't order a 60-gallon kettle.

Q. But you could if you wanted to? A. No; I could not.

Q. Why not? A. What would I do with it; where would I put it.

Q. I give it up; but suppose that you needed a 60-gallon kettle, and a 60-gallon kettle was 10 cents — A. If I needed it I would get it.

Q. And a 90-gallon kettle was \$100, you could order a 90-gallon instead of a 60-gallon one, couldn't you? A. Not if the head of department — if there were 100 people to cook for and the head of department, the superintendent of the almshouse, or the asylum, wants his kettle 90 gallons, you can't order 60.

Q. Well, can you give any reason at all, from your own experience in the department, how it was possible for any bidder, on such high-priced articles as these steam kettles, to put in any such bids as those to which I have called your attention? A. No, sir; I can not.

Q. When you wanted articles that were not upon the schedules, you would order them on a special requisition? A. Yes, sir.

Q. Did you have anything to do with sending those special requisitions to any particular person? A. No, sir.

Q. Who sent them? A. The storekeeper.

Q. You sent your special requisition to the storekeeper? A. Yes; sent to the storekeeper, and the storekeeper sent to the board, and the board sent it back to the storekeeper.

Q. And he would get it from anyone he saw fit? A. Anyone he chose to; yes.

Q. And in that way he could buy starch, from a man who sold drygoods? A. If they chose to.

Q. Or could buy steam kettles from a man who sold stove blacking? A. Yes, sir.

Q. You have nothing to do with that? A. No, sir.

Q. What did you have to do; what were your duties there, Mr. McCanna? A. My duties was to superintend the work and lay it out; superintend the work of mechanics and show them what to do, and see that they kept to work, and look after the engineers and firemen and have a supervision over the boilers and machinery in all the institutions; and if stuff was needed, that wasn't on hand, I ordered the storekeeper to put it on requisition where I knew, and any stuff that run short in the storehouse he put it on himself.

Mr. Schulz.— This committee will stand adjourned until to-morrow at 10 o'clock.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON THE
AFFAIRS OF CITIES, HELD AT THE COURT HOUSE,
BROOKLYN, N. Y., FRIDAY MORNING, SEPTEMBER 27,
1895.

Present.—Messrs. Schulz and Whittet, of committee.

Mr. Hugo Hirsh, of counsel.

William Brennan, having been called as a witness and duly sworn by Mr. Whittet, testified as follows:

Examined by Mr. Hirsh:

Q. Where do you live? A. Live in Flatbush now.

Q. And what is your business? A. My business is engineer.

Q. Where? A. Flatbush Lunatic Asylum just at present.

Q. How long have you been an engineer in the lunatic asylum?

A. Well, I am only since last Saturday in the lunatic asylum, but I have been in the department for about three years.

Q. And what building were you in before you were sent to the lunatic asylum? A. Kings County Hospital.

Q. At Flatbush? A. Yes, sir.

Q. As an engineer? A. Yes, sir.

Q. And as such engineer do you know the fact of a mangle having been purchased of the hospital or in the hospital? A. I know there is a mangle there; I don't know anything about the purchase of it.

Q. You know there is a mangle there? A. Yes, sir.

Q. Do you know when it came there? A. No, sir; I wasn't there when it came there.

Q. You don't know when it came there, you say? A. No, sir.

Q. Do you recollect the time when there wasn't any mangle there? A. Yes; I do.

Q. Up to what time was there none? A. Well, I will tell you; I worked a good many years ago in the hospital; I worked in the department some, probably some 26 years ago, probably 20 years ago; I was then an engineer in the hospital.

Q. I am speaking lately, Mr. Brennan, late years; now do you recollect the fact whether or not there was a mangle there within two years? A. No, sir.

Q. Now, I want to come down to that? A. No; there was no mangle there in two years.

Q. When did this mangle come there; I don't want the exact day or date; I want to know about when? A. Well, I couldn't tell you when the mangle came there, but it came there before my time; I was in St. Johnland — I was an engineer in St. Johnland, and I was transferred to the hospital; when I came there the mangle was in the hospital.

Q. When were you transferred? A. I was transferred last March.

Q. Then you have not been for three years at the Flatbush hospital? A. I have been in the department for three years.

Q. You have not been at Flatbush for three years? A. No; one year I was in St. Johnland.

Q. When did you go to St. Johnland? A. I went to St. Johnland last March, one year ago.

Q. And you were there a year? A. One year.

Q. And when you came back you found the mangle there? A. Yes, sir.

Q. There had been no mangle there before that time? A. Not to my knowledge; never seen it.

Q. And that was used for? A. Well a mangle is supposed to be used or to — it is supposed to take the place of irons, to mangle clothes.

Q. Was this used for that purpose? A. Never seen it used.

Q. You have not seen it used? A. No, sir; I have seen it used late days, just previous to me leaving the hospital, I seen the Commissioner Henry, came there, and he spoke to the woman that run the mangle, and he said if she didn't want to use it he would remove it to the almshouse, and I seen it used after that for about 20 minutes when they would run it, and run a couple of towels through it, or something like that.

Q. But otherwise it wasn't used since that time? A. Otherwise it wasn't used up to that time.

Q. Who does the ironing now? A. Well, got quite a lot of paupers doing the ironing upstairs; they do it with hand.

Q. The paupers do the ironing by hand? A. Yes, sir, by hand.

John A. Quintard, having been called as a witness and duly sworn by Mr. Whittet, testified as follows:

Examined by Mr. Hirsh:

Q. Mr. Quintard, did I understand correctly that you stated, that you desired to be a witness on this investigation? A. No, sir; I never said anything of the kind; I said I was at the service of the committee if they wanted anything that I could be of service to them in any way, I should be glad to appear if notified.

Q. How old are you, Mr. Quintard? A. I am sorry to say I am 55.

Q. Are you now a member of the bar? A. Yes.

Q. And have been such for how long? A. I was admitted I think in February, 1889.

Q. That was during the time when you were supervisor at large of Kings county? A. Yes, sir.

Q. That was the last year of your term? A. The last year of my term.

Q. Of course as supervisor at large, your duties as such supervisor took your entire time, or almost that? A. Well, very nearly so.

Q. That is to say, you didn't practice any law until your term of office as supervisor at large had ceased? A. Well, as there was only a part of the year, I couldn't have practiced very much.

Q. For how long had you been supervisor at large, Mr. Quintard? A. That was the ending of my fourth year.

Q. What was your business before you were admitted to the bar? A. I was in the tea business.

Q. In New York city? A. In New York city; yes.

Q. And that you conducted until you were admitted to the bar? A. No.

Q. Until you were elected supervisor at large? A. No; I conducted the business until I sold out in, I think, the spring of 1888, when I first connected myself with the office of my present partner.

Q. You attended law school, did you not, Mr. Quintard? A. Columbia College law school.

Q. And then you became a graduate of the Columbia law school? A. Yes.

Q. That was, you say, in February, 1889? A. No; I graduated from that school about a year before.

Q. Oh, and then you took a course of one year in a law office? A. Yes, sir; well, longer than that; I was connected with Mr. Pickard's office for two or three years; that is to say, studying there occasionally.

Q. As supervisor at large, the power of appointment of commissioners of charities was yours? A. Yes.

Q. What commissioners did you appoint? A. In my first term, in 1886, I appointed B. F. Gott to succeed Joseph Reeve, and in the last year of my second term, in the year 1889, I appointed George H. Murphy and Francis Nolan to succeed Mr. Ray and Mr. Hines; Mr. Gott's term, of course, had not then expired; he was subsequently appointed by my successor, Dr. Kretschmar.

Q. The political complexion of the board of charities and corrections was entirely changed? A. It was.

Q. By the appointments that you so made? A. It was.

Q. The men who were removed, Ray, Hines and Reeve, were two Republicans, Ray and Reeve, and Hines was an Independent Democrat, or known as such? A. Well, they were not removed; their terms expired.

Q. Well, their terms expired? A. I think that was their proper political classification.

Q. And Gott, Nolan and Murphy were all regular Democrats? A. They were.

Q. Without any independent proclivities? A. No, I don't say that; Mr. Murphy was appointed, presumably, as an Independent Democrat.

Q. Well, presumed by whom to be an Independent Democrat? A. By himself and by myself and by all his friends.

Q. Well,, Murphy is a relative of yours, isn't he, Mr. Quintard?

A. He is now, by marriage, within the last year; his son married my daughter.

Q. Wasn't a relative either by blood or marriage before that time? A. No; but a very old and dear friend.

Q. And from that old and dear friendship you considered him an Independent Democrat? A. Oh, no.

Q. Was that a personal appointment of yours, or an appointment recommended by the organization of the party of which you were a member? A. All of the appointments that I ever made as charities commissioner were personal appointments.

Q. As supervisor at large? A. As charities commissioner.

Q. Well, you made them as supervisor at large? A. I made them as supervisor at large; they were all personal appointments, however.

Q. Not recommended by the organizations or members of the organizations? A. Not recommended by any organization except in the case of Mr. Nolan, by numerous gatherings of the people who called upon me.

Q. Then Mr. Gott and Mr. Murphy, at least, you are personally responsible for and stand sponsor for, and Mr. Nolan was recommended to you by the people as you say, many of them? A. Oh, no; Mr. Nolan was an old friend of mine also; I don't disclaim any responsibility for the appointment of any of them; I say they were all my personal appointments, believing to be fit and proper men for the places and not the result of any suggestion to me by anybody else.

Q. You mean by that, Mr. Quintard, that neither the Democratic organization of Kings county or any of its leaders influenced you in any of the appointments of either or any of these commissioners? A. I say that most absolutely.

Q. What is that? A. I didn't know who I was going to appoint until I told them; the leaders to whom you refer didn't know who I was going to appoint until I told them.

Q. I didn't refer to any leaders except in generalities. A. I think you used the word "leaders."

Q. I did use the word, but I didn't refer to anybody. A. Well, then I don't refer to anybody.

Q. Now, was there any bargain between yourself and the commissioners whom you so appointed that you were to be appointed as counsel to the board? A. Absolutely none.

Q. Nor any understanding of that kind? A. Well now, you must let me explain in my own way what did occur, if you will allow me.

Q. I have no objection, Mr. Quintard; that is what I have you here for. A. Well, you allow me to do that in my own way?

Q. Why, of course? A. The only thing that was ever said in regard to my appointment as counsel to the board, which subsequently transpired, came about in this way — after I had appointed Mr. Murphy and Mr. Nolan, Mr. Gott then being a member of the board with whom they were to be associated, I invited them to a little dinner at my house, to make them acquainted with each other, and at the course of that dinner, in the presence of my wife and family, I made a little speech to them, and I told them that I was going to be renominated, and I believed I was going to be re-elected for a third term for supervisor-at-large; “But,” I said, “in politics there is nothing that is ever absolutely certain, and suppose I might be defeated, notwithstanding I believed the people would stand by me, as they had before; in case I am defeated, I don’t know,” I said, “gentlemen, but I may ask you to do something for me, to appoint me as counsel;” that was said in a sort of jesting way, and that was all that was ever said in regard to the subject; subsequently, when I was turned down and set aside and refused the renomination of supervisor-at-large, the commissioners voluntarily asked me to accept the appointment as counsel; I hesitated for several reasons; I consulted with the then occupant of the position as counsel, to learn what the duties were, and I consulted with a good many friends; I finally told them that I would not accept the position of counsel at the salary that they were then paying, and I told them that I would not accept the position except at a salary which I named, of \$3,000 a year; and the gentleman who preceded me in the office said it was worth a good deal more than that, and I believed him; and after consultation with certain friends I finally did agree to take the position of counsel to the board and the salary was named

as I had demanded in case I accepted the appointment; now, that is all that ever occurred in regard to my assumption of the duties of that office.

Q. Do you mean to say, Mr. Quintard, that Mr. Nolan, Mr. Gott and Mr. Murphy were not then acquainted before the time you gave them this little dinner? A. Neither of them knew Mr. Murphy; I presume that Colonel Gott and Mr. Nolan were slightly acquainted, I don't think very well acquainted; Mr. Murphy was an absolute stranger to both of them; they never saw him until the night they met him at my house.

Q. The hesitancy on your part in accepting the appointment of counsel was caused largely by the insignificant salary attached to the office? A. No; because from the very first they told me that they thought the salary was too small, and that they thought they could see their way clear, by decreasing the salary of the secretary, to make it as I had demanded; it was caused by other considerations entirely.

Q. They didn't decrease the salary of that secretary, did they? A. They did decrease the salary of the secretary.

Q. You sure about that? A. I am sure about that; yes.

Q. Didn't they decrease the salary of the physicians to the same extent that they increased yours, at the same time? A. No; that occurred — that is something which I think you have unintentionally mislead this committee in; that didn't occur; the decrease in the salary of Dr. Harrison didn't occur until some six or eight months afterward.

Q. How do you know? A. Why, reading in the papers at the time.

Q. Suppose I would show you the minutes of the board, which show upon their face that both acts took place upon the same day and upon the same time and at the same meeting, what, then, would you say; would you still say that I had mislead the committee? A. I should say, then, that I was mistaken; that has always been my strong impression.

Q. That those minutes were shown to Mr. Gott and Mr. Murphy, and they show upon their face that fact — why do you say that the committee was mislead? A. I say this —

Q. Why do you say, if that is the truth, that the committee was mislead? A. Oh, if that is the case —

Q. You rely entirely upon your memory? A. I rely upon my memory — no I don't — excuse me.

Q. No; you will excuse me; the minutes show — A. No; you will excuse me; let me answer your question.

Q. The minutes show upon their face that both actions, the reduction of Dr. Harrison's salary and the increase of your salary were done upon the same day. A. Don't it show that the decrease of the secretary's salary was done on the same day, too?

Q. Nothing of the kind; no such minutes; you are still counsel to the department, are you not? A. It certainly was decreased, counsellor.

Q. You are speaking now from your memory alone? A. No; I know it was decreased.

Q. On the same day? A. Not on the same day; you asked me what the conditions were and I said —

Q. I asked you to state the fact as it appears, and you said this, that I mislead the committee by saying that Dr. Harrison's salary had been decreased the same day that yours was increased; now the minutes show that upon their face? A. Why if that is so, I was mistaken, and was mislead by my own memory and by what the president has told me since then.

Q. Now, Mr. Quintard, had you had a single case as a lawyer before you were appointed counsel to the board? A. What do you mean; actually conducting, in the courts?

Q. Actually a retainer in the trial of a case? A. Well, let me see—to have the sole responsibility of any case, I don't think I did.

Q. Consequently your appointment as counsel to the board with the salary attached was the first moneyed retainer as counsel that you had ever received since you were admitted to the bar? A. I guess you are right about that.

Q. And you were appointed as such counsel at the first meeting of the new board? A. That I am not sure of; I think the first or second meeting.

Q. That wasn't but two days after your term of office as supervisor

at large had expired? A. If you say you have examined the minutes I don't want to make the same mistake as I have already made; I presume it was.

Q. Now, speaking of your immediate predecessor, Mr. Kemble, was a lawyer of very many years standing, wasn't he? A. Yes; a good one, I guess.

Q. Yes; a good lawyer at the bar; so considered? A. Yes.

Q. In fact I think you used him as counsel in a case, haven't you, Mr. Quintard? A. No; only in this way; there was an old litigation that had been mending at the time I was appointed and after a conference with Mr. Kemble, as he was very familiar with all the facts —

Q. You continued him as counsel? A. I made the suggestion to him, whether he would be willing to close up the matter, as he said only one or two more references would be taken, and I agreed to allow him the costs in case that the matter was decided in favor of the department.

Q. What has been his salary, Mr. Quintard? A. Well, practically, I think it was \$2,550.

Q. Why do you say "practically?" A. He was allowed the telephone.

Q. That is, the telephone in his office? A. Yes.

Q. What was paid for by the department? A. That makes it practically — ,

Q. And how much was his salary? A. Two thousand four hundred dollars and \$150 for the telephone, makes it \$2,550.

Q. And yours was increased to \$3,000? A. Three thousand dollars, yes, sir.

Q. And the telephone? A. And the telephone.

Q. So that your salary was \$3,150? A. That's it.

Q. Speaking of it in the same line as you spoke of Mr. Kemble? A. In the same way in which I spoke of Mr. Kemble's.

Q. Who had been Mr. Kemble's immediate predecessor, do you know as counsel to the board? A. Well, I am not sure whether it was Mr. Simis or Mr. Sullivan; I am not sure exactly the order in which they came.

Q. Mr. Simis testified, that he had been? A. Well, that settles it then.

Q. Do you know what Mr. Simis's salary was as counsel to the board when he first went there? A. No; I do not recall now.

Q. He stated that it had been \$1,200, and that the highest salary that he received was \$1,800? A. Well, if he said so that makes it so.

Q. Mr. Simis was an able lawyer? A. Yes; but then you must remember, counsellor —

Q. Answer me; I will let you explain afterward if you want to? A. Certainly, he was a very able lawyer, no doubt.

Q. You know Mr. Simis' reputation at the bar? A. Certainly.

Q. He is an able lawyer? A. Yes, sir.

Q. Without any invidious criticism, at least as able as you were, when you were appointed? A. I guess so; but you must remember, and I want to say this, that was 10 or 12 years ago; the salary of the commissioners, then themselves, was only \$2,500; now it is \$5,000, and very properly so; the salary of attorney for the charities department, ought to be \$4,000 a year at the very least at the present time so as to enable him to attend properly to his duties, and to pay for proper assistance; when you get possession of the department; I don't have any doubt at all, your party will make it so, and I will help them.

Q. Is that all, Mr. Quintard? A. That is all.

Q. Now, you used this expression, when you were "turned down," and so forth and so forth, wasn't re-nominated; what did you mean by that expression, Mr. Quintard? A. Well, you know what the meaning of that is, in political parlance, don't you?

Q. I have never been turned down, consequently I would like to know your definition? A. Your time may come with all the rest of us; we all have to eat our crow in politics.

Q. You mean to say by that, that when your party refused to nominate you— A. No, not exactly that.

Q. What then — I mean that I was told — and I say it with the utmost freedom, I was told by those who presumably at least, controlled such matters; there was no candidate against

me; that I was going to be renominated; and two days before the convention I was told I was not; that is all there is about it.

Q. And in that way you used that expression? A. I used that expression.

Q. How was it, Mr. Quintard, that a young man—because a young man at the bar you were, having been admitted but eight months. A. A man is as young as he feels you know.

Q. Yes; you couldn't feel any older at the bar than you were — A. No.

Q. Could make a condition in the acceptance of a position of such great importance as counsel to the department of charities and corrections of Kings county that the salary was not large enough and you would refuse to accept it at that salary, when a much more experienced and older member of the bar, was then holding that position at that salary? A. Well, I presume I can tell you; I know what the commissioners told me; they told me that they felt I hadn't been used right by the party.

Q. No; but that doesn't answer my question; I am not putting a question of the value of the position, I am not putting a question to find out what the commissioners told you; but upon your answer when you stated that you refused to accept the position— A. I did.

Q. At that salary — A. I did.

Q. Now I want to know how it was that a man so young at the bar could refuse to accept the position which paid \$2,550 a year, of great importance in the community, which was then being held by a much older and more experienced member of the bar? A. For the reason that they said, and probably rightfully, that in consequence of my long official experience as a member of the county government, that my youth at the bar would be more than atoned for by that fact, that I could be of more service to them in consequence of my official experience in the county government than even a more experienced lawyer could possibly be.

Q. And was that so, Mr. Quintard; was your experience in the county government of greater use to them, your knowledge of the department, than if you had been an older lawyer? A. I appeal, counselor, to the records of the department.

Q. Ah! so do I. A. Well, I appeal to the records of the department to show that my service for the department has been productive of more remuneration to the county, more money has been collected through my legal efforts, during my first or second year—

Q. Mr. Quintard, you are not answering my question; you are obviously getting away from the question. A. Well, I will try not to.

Q. You have stated that the commissioners thought your experience as a county official, not as a lawyer, but as a county official, would aid them in the performance of their duties, and your advice to them, in the performance of their duties in the department; now what you may have done as a lawyer doesn't affect the performance of the duties of the commissioners and their—
A. You misunderstand me, counselor.

Q. You don't mean to say that they intimated that your experience as a county official would aid you as a lawyer? A. Yes.

Q. That is what you meant? A. Yes; that is it, exactly.

Q. And do you know whether any law school, the law school we will say that you attended, Columbia Law School, has, I think, a very high standing in the community, examines any of its law students on the question of their knowledge of county governments, in connection with their studies of law? A. No; I presume not; I don't know it to be such.

Q. If that had been found necessary, don't you think it would form a part of the method of study, the studies laid out for students in law schools? A. If they would have thought that it would add to their equipment undoubtedly they would have added it.

Q. So the simple fact that these three commissioners, creatures of your own, that is, so far as they were appointees of yours, that they thought that you were better equipped by reason of your experience as a county official, didn't make you the better lawyer, did it, Mr. Quintard? A. Undoubtedly not.

Q. Now, did you, yourself—I want your own judgment upon that matter—would you yourself say that by reason of your experience as a county official you became a better lawyer for the department? A. No, not necessarily so; but the main reason, if you will

excuse me for saying this, counselor—the main reason for my entering upon the law studies largely was never at that time, when I did enter upon them, with any idea of becoming a lawyer; it was simply to aid me in the discharge, as I believe, of my official duties.

Q. Why, of course; I have no doubt but that the study of law would aid you as a county official, but that the experience of a county official would aid a person as a lawyer is something entirely different, isn't it, Mr. Quintard? A. Yes, but I think that is so.

Q. How many cases have you tried in the years that you have been a lawyer for the department, in court, alone? A. Oh, a great many.

Q. How many? A. Oh, I couldn't tell without referring to my books; what do you mean, private?

Q. I mean cases that come up in a court of record; not the ordinary bastardy proceedings or abandonment proceedings that occur in justices' court, but cases that appear in courts of record; how many have you tried alone? A. Oh, I have tried a good many; I couldn't tell without referring to my—

Q. Can you mention one; the title of the case? A. Yes, I can mention one.

Q. Well, sir. A. Of what nature do you mean?

Q. Any case that appears in a court of record, say upon a bond that was given the department, mandamus proceedings, lunacy proceedings? A. I can not recall the names but I have tried dozens of them.

Q. Did you try the Kelly and McClafferty cases? A. I did.

Q. Alone? A. Alone; yes, sir.

Q. Mr. Simis didn't assist you in them? A. Not in the slightest degree.

Q. Was he in court at the time? A. Not to my knowledge; I didn't see him.

Q. Well, now, Mr. Quintard, are you quite positive as to that? A. Quite positive about it, sir.

Q. Did Mr. Simis assist you in any case? A. He did in the Eastman case, and I have been sorry for it ever since, for two reasons; that it exposed us both to misconception, and the second one is,

that I could have tried it a great deal better myself; not because I am as good a lawyer as Mr. Simis by any means, but I was perfectly familiar with the facts in the case; Mr. Simis was not; in that case all that Mr. Simis did was what he did at my request; I suggested that perhaps he might better make the argument on the motion to dismiss, on the points which I had prepared, and showed them to him, which he did very effectively, and he also questioned and cross-questioned the witness, but apart from that, the preparation of the brief, the preparation of the arguments, the total preparation of the case was absolutely and solely my own; that is the only case that Mr. Simis ever assisted me in the slightest degree.

Q. Did you ever, upon any trial in a court of record, examine or cross-examine, or, as you put it, question or cross-question the witnesses? A. In dozens of cases.

Q. Do you know what cases they were, Mr. Quintard? A. If it was absolutely necessary I can refer to my books; a good many of the lunacy proceedings, to which you referred, I most always have conducted them myself.

Q. Lunacy proceedings arising how? Q. What are you trying to make out; I ain't much of a lawyer; I don't profess to be much of a lawyer; what are you trying to make out; that I ain't much of a lawyer?

Q. I am trying to show the manner in which you conducted the legal department of the department of charities and correction, if I can, Mr. Quintard? A. Well, all right.

Q. Can you tell me what those cases were? A. Well, there was half a dozen lunacy cases I can think of; in the matter of Priest—

Q. Those are largely ex parte, are they not? A. Oh, no; not always.

Q. What are those lunacy cases that you refer to? A. Well, it is what you referred to yourself just a moment ago; lunacy proceedings where application is made for the appointment of the person and estate of some person who is either in the asylum or in some private institution; sometimes they are ex parte; sometimes they are not.

Q. You made charges in those cases, to the committee appointed in those cases? A. The court fixes the compensation; I don't make any charge.

Q. Never make any charges for disbursements, in addition to what the allowance was of the courts? A. Yes, for the actual disbursements.

Q. Did you ever make charges of \$10 for coach hire as disbursements in those cases? A. I don't recall any such now; it seems to me in one of the cases I have just mentioned, where the lunatic was brought from New York, I think; I didn't make the charge you understand; the petitioner made the charge.

Q. Who? A. The petitioner who petitioned for the appointment of the committee; I don't make the charges.

Q. Didn't the charge appear in your bill? A. It appeared in the bill of disbursements, yes.

Q. Yes; that your bill of disbursements? A. No, it was the—yes, my bill of disbursements in a certain sense; but you spoke of my charging.

Q. Now, you say, that that was the only case where a charge of \$10 for coach hire appears in your bill of disbursements in a lunacy proceedings, where the lunatic was brought from New York? A. That is the only one I recall now.

Q. As a lawyer, Mr. Quintard, you know that is not an answer to my question? A. Well, it is the best answer I can make; I say it is the only one I can recall; I don't think there was any others; my memory is pretty fair.

Q. Can you tell, in fact, whether there was any other? A. How can I if I don't recall; I don't think there was any other, because there is usually no charge for coach; the lunatic is usually—

Q. Brought down in a van? A. Brought down in the asylum; not in the van usually; they usually bring some conveyance; I don't know what.

Q. Some conveyance from the asylum or the institution? A. I never have known of any charge for coach hire; I do recall just one case, as I say, a lunatic brought over from New York, and the petitioner claimed he had to pay for that—wait a moment counselor;

no, there was no charge for coach hire in any bill of disbursements of mine; that was subsequently put in as a bill to the Hamilton Trust Company, who were appointed as the committee, that charge for coach hire; I don't think you can find any bill for disbursements for coach hire.

Q. Do you say the charge was subsequently put in to the committee? A. To the committee, yes.

Q. By whom? A. By the petitioner, who had taken the insane person from New York to his own house in Williamsburgh.

Q. It wasn't your bill at all then? A. It wasn't my bill.

Q. Had nothing to do with it? A. No; I don't think you will find any such charges in any bill of mine.

Q. You stated that the reason the commissioners raised the salary of the counsel was because they thought that you had been used badly by your party? A. I think so; yes.

Q. Then do you mean that the commissioners whom you appointed intended to take the county money and increase your salary with such county money in order to reimburse you for the hard usage your party had given you? A. No; I don't think you hardly put it in a fair way.

Q. Wouldn't that be the natural result, the natural conclusion to be arrived at from your statement? A. I hardly think so; unless you choose to take it with that bias.

Q. The fact that the previous attorney for the department had been a man of very many years' experience, good standing, high standing, as a lawyer at the bar, and had been attending to his duties for the smaller salary, and the fact that you stated, that the commissioners increased your salary, that being your first retainer in any case, a young member of the bar, to \$3,000, or \$600 more than had been received by your predecessor, and that that was done to reimburse you, or because, to use your own language, you hadn't been treated properly by your party, you would think that my solu-

tion or my conclusion, would be biased? A. I don't think you have put it in the right way; if you will allow me to say, just exactly what —

Q. Yes; I will let you put it your way, after you have already stated in your way, or you can put it any other way? A. No; I don't wish to put it any other way; I put it just in the way in which I put it before and that was this, that I was advised by my predecessor that the salary that he was receiving was ridiculous as compensation for the office; now, Mr. Kemble, is a very esteemed friend of mine, was at that time and is still, but the business of the office, when I assumed it was heavily in arrears; Mr. Kemble had been sick, as you know, for some time, and the business was largely in arrears; there was 40 appeals alone pending in the court of sessions, which had been lying there from one to three years without being tried, on to two years. The business, as I say, was heavily in arrears and he told me himself that the salary paid was a ridiculous remuneration for the duties of the office when properly discharged, and it was largely governed by that that I told the commissioners that I would not accept the office at the salary which was then being paid; and I was right about it too, and I believe I have made myself worth to the commissioners, to the county every dollar that has been paid me.

Q. I am not disputing that; this investigation don't go into personalities at all; we want the manner in which the department was conducted? A. I want to assist you in every way I possibly can in the investigation; very glad to do so. ,

Q. Eight months at the bar you criticise the salary, whether rightfully or wrongfully, I am not criticising that, Mr. Quintard, of the office which you suggested at a dinner might be given you, and which was subsequently tendered you? A. No; excuse me; I must have that exactly right; I didn't suggest the office to be given me at the dinner.

Q. I thought you stated that you did, in a little speech, and it was half-jestingly? A. It was half-jestingly, in case I was nominated and defeated for supervisor-at-large.

Q. It is immaterial what the addition was; you did suggest it. A. No; it was not; it was not very material, if I had suggested anything of the kind in connection with my not running for the office I should have held it very injudicious and very wrongful, and I wouldn't have done it.

Q. But, Mr. Quintard, as a matter of fact you did suggest it, at that particular dinner, didn't you? A. In regard to that phase of the matter, which never transpired.

Q. But it was immaterial what the phase was, the suggestion at that dinner came from nobody but you? A. Well, have it your own way in regard to that.

Q. Well, that is true, isn't it? A. That is right; that is just as I put it.

Q. Whether it is a part of something else you said, that is immaterial, so long as the suggestion came from you? A. That is all right; yes.

Q. And you, yourself, upon the stand, when you asked to be permitted to state it your own way, referred to that speech in order to show that the suggestion did come from you, half in jest? A. That is it, exactly.

Q. That is true, isn't it? A. That is perfectly true.

Q. You have a habit of criticising me, which I want to get back at you for when I get the opportunity. A. That is right.

Q. Now, if that was the case, when you were but eight months at the bar, can you explain why it was that after some years at the bar, six years, and your salary was reduced to the old-time salary, you still remained and retained your position? A. I can explain it, certainly; do you want me to?

Q. That is the question I asked you, Mr. Quintard? A. Well,

the president of the board came to me and told me that from his knowledge of the way in which I had performed my duties during the time that I have been associated with him as a commissioner, and from what he could see from the records of the board, he knew that the office was worth all that I was being paid, and that I earned every dollar that I had received, but, he said, "we are running very short, the salary account is coming out short, unless we can curtail and reduce; we must make wholesale discharges, and among others we have got to reduce your salary;" and he said that he would have to put it at the figure of \$2,500; I told him that under such circumstances, of course I would have to adapt myself to the situation; if that was all they could afford to pay, I, for the present, was willing to remain.

Q. And you say the president of the board, by which you mean Mr. Simis? A. Mr. Simis; yes.

Q. Now, when did this take place? A. Along about the — just a little before the first of the year; just before Commissioner Henry came into the board.

Q. As a matter of fact, Mr. Quintard, like everybody else in the department, the legal work, if it increases year by year? A. It does, most decidedly.

Q. So that there was more work in 1894 for the counsel than there had been in 1889? A. Yes.

Q. Mr. Simis, as a lawyer must necessarily have appreciated that? A. Undoubtedly; he ought to.

Q. He didn't suggest that as \$3,000 a year was little enough for the counsel, when the position was worth much more that he would rather decrease his own salary? A. His own salary was fixed by the law, by the Legislature; he couldn't decrease that if he wanted to.

Q. He couldn't do that? A. No.

Q. You don't mean that? A. Why how could he?

Q. He couldn't voluntarily have made a deduction from his own salary? A. Oh, yes, if he chose to make a deduction.

Q. That is what I asked you? A. But the salary is fixed out right in the law.

Q. Well, your salary was fixed by the commissioner? A. Yes.

Q. It is immaterial how a salary is fixed, the voluntary action of the party would certainly add to the — A. No question about that.

Q. And I say there was no suggestion from Mr. Simis, that the commissioners had agreed that by reason of your valuable services to the board as counsel — A. Don't be sarcastic.

Q. And the important—I am not sarcastic, I am taking your word for it—and by reason of the fact that over \$3,000 was not sufficient to pay you and your assistant for the amount of labor that they would take something off their own salaries, so that your own might not be decreased; there was no suggestion made? A. I never heard anything about it; it may have occurred, but I never heard of it.

Q. Now, Mr. Quintard, you have been there since 1890? A. Yes.

Q. Has the salary that you have received been the only source of income from that department that you have had? A. No, there have been costs on suits that I have won, come to the attorney.

Q. Costs in suits and costs in lunacy proceedings? A. Well, costs in lunacy proceedings; the counsel fee in lunacy proceedings of course, separate from the costs; the costs are actual disbursements.

Q. It is immaterial what they would be, because you and I don't draw any distinction between costs and counsel fees do we? A. Yes; we ought to, because one is velvet and the other is not.

Q. When you say you are allowed costs in addition to disbursements, you don't draw any distinction between costs and counsel

fee, do you? A. You know how that is, counsellor; the counsel fee is the fee allowed by the judge; the costs are the actual disbursements.

Q. You don't mean that do you, or does your experience at the bar, mean that costs means simply the actual disbursements? A. Why certainly they mean actual disbursements; oh, not always, but I am speaking now of the lunacy proceedings.

Q. So you drew that distinction in lunacy proceedings; you would receive nothing but actual disbursements? A. Actual disbursements, yes.

Q. And the allowance made to you? A. The allowances for counsel fee.

Q. Well that came to you? A. Yes; certainly.

Q. You were allowed the counsel fee in addition to actual disbursement? A. Yes; counsel fee that is allowed by the court.

Q. Yes? A. Yes.

Q. And in other cases the statute allowed you costs in addition to actual disbursements? A. Yes.

Q. So there is no distinction? A. Well, putting it that way, so the committee can understand there is none.

Q. Now, were you not employed as counsel in these lunacy proceedings mainly for the reason that you were counsel to the department? A. Well, most of the proceedings in lunacy didn't come through the department; they came through friends of patients; they came to me as private clients.

Q. Yes, but it was by reason of the fact that you were counsel of the department that they came to you? A. Oh, yes, certainly; those are matters that come in that way.

Q. Many of them are initiated by the department, by the commissioners? A. Hardly many of them; a good many; some of them, yes.

Q. Especially in those cases where the inmates have some money

of their own? A. Well, they come about in this way; where an inmate is brought into the asylum as a pauper patient and the department becomes aware of the fact that he or she has an estate, why you know it is mandatory upon the public authorities to apply for a committee, in place the relatives do not; when the relatives apply for a committee then, of course, it becomes the duty of the county to charge them board; when they do not apply for a committee, the commissioners, it is their duty, it is mandatory under the law that they should apply, the public authority should apply, so that a committee may be appointed and the estate of the lunatic may go to the county for the board.

Q. Yes; well, first of all, when this estate is taken hold of by the department for the purpose of having a committee appointed the first moneys paid out are those of counsel? A. After the committee is appointed.

Q. Yes? A. We generally look out for those as soon as possible.

Q. So that no matter how large or how small the estate is, the proceedings for and appointment of a committee is first of all for the advantage of counsel? A. It is the duty of counsel undoubtedly, first of all, to see that he gets his fee; that is what we look for.

Q. You'll excuse me; you are including me— A. Well, yes; certainly.

Q. I don't at all agree with you, you know, Mr. Quintard, that it is the duty of the counsel first to see that he gets his fee? A. Well, all right.

Q. I have a much higher idea of the profession of the bar than that. A. All right; we all have to look at the question of ethics.

Q. Now, if the estate, as it must have been in many cases, was very small, there wasn't a great deal of money after the counsel was paid, isn't that so, Mr. Quintard? A. Oh, no; in that case the counsel fee would be very small.

Q. What was the lowest counsel fee that you have been allowed

by the court in these proceedings? A. In these lunacy proceedings? I think \$20.

Q. And you have received as high as how much? A. I think \$200 is the highest that I can recall now; didn't come very often, that kind of case, I am sorry to say.

Q. Now you receive these fees in addition to your salary, of course, as counsel to the board? A. Well, those fees have nothing to do with my salary as counsel to the board.

Q. That is what you say, but I am still asking the question whether you didn't receive those fees in addition to your fee as counsel? A. Those fees come to me in the transaction of my private practice; they come to me, I will admit, presumably in a good many cases because I had been there as counsel to the board.

Q. But Mr. Quintard —

Mr. Hirsh:

Q. When the department directed you for instance to initiate proceedings for the purpose of obtaining some estate of a person who was an inmate, as a pauper, you were directed to initiate those proceedings, were you not? A. Certainly.

Q. And then you initiated them as counsel to the board, did you not? A. I initiated them in that case in behalf of the board, yes; the president would make the petition.

Q. And yet you received an allowance from the court in that case? A. Yes; undoubtedly.

Q. So I was still right, as I was several times before upon this examination, that you received a fee? A. Oh, we have only differed on one point.

Q. In addition to your salary as counsel to the board? A. Why, certainly; I have not denied it; of course, I received it.

Q. And the object of the proceeding when a commissioner instituted it, was to get the money for the board? A. Certainly.

Q. Not to get it for counsel? A. Certainly.

Q. That is what I want to get at? A. Get the money so that a proper charge could be made against the estate for the support of the lunatic having an estate, in the county institution; I don't suppose they have the right to keep a person at the county expense who is able to pay for his or her board.

Q. I entirely agree with you, but you, as counsel for the board, and being directed to institute these proceedings for the benefit of the county, reduced those amounts by allowances, given to you when you were already receiving a salary from the county for performing the duties of counsel to the board? A. Now, counselor that is an unfair way to put it; you know very well that the courts have decided that those fees are properly chargeable in such cases, and the courts have always granted it.

Q. Give me the authority, Mr. Quintard? A. Judge Osborn of the city court has repeatedly ruled where sometimes an adverse party would appear and raise—I only mention his name because it occurs to me now—an adverse party would appear and claim that the counsel to the charities department instituting the proceedings had no right to a counsel fee—the contrary has been held and an allowance has been made; there is no court, there is no judge in Brooklyn, I hardly think on the bench, either of the Supreme Court or of the city court before whom cases of that kind have not come instituted by the department during the five years that I have been attorney for the board, but what—the question has never been raised, I think, but once or twice, but what it has always been held that it is perfectly proper, notwithstanding the fact that the proceedings are initiated officially, that the attorney in the case is entitled to whatever the court may deem to be just and proper allowance.

Q. Do you know whether those questions have ever gone to the general term? A. Not that I know of; no.

Q. Now, you are speaking simply of the authorities of the indi-

vidual judges or one judge, so far as you know; and I am not speaking about that at all? A. What are you speaking about?

Q. I am speaking about this fact; that you, as counsel to that board, receiving a salary for the purpose of performing the duties as such counsel and legal officer to that board, directed to the president or other commissioner of that board, to take certain proceedings for the purpose of guarding the rights of the county; take those proceedings, yet accept additional pay taken out of the fund which you are sought to obtain to the county—I am not speaking about the law at all, but about yourself in that direction—whether that you considered was in the line of duty laid down for a lawyer who is receiving a salary for the performance of that particular duty?

A. I thought I was perfectly safe in following in the footsteps of Mr. Sullivan and Mr. Simis and Mr. Kemble, my distinguished predecessors.

Q. You mean to say that Mr. Simis and Mr. Kemble when they initiated proceedings for the board to obtain money of alleged paupers, obtained and retained a counsel fee for that? A. Why, of course I do.

Q. How do you know that? A. I have examined the papers and seen them; they got a good deal bigger allowances than I ever got.

Q. The papers are still on file in the department? A. Still on file in the courts.

Q. On file in the courts? A. Certainly.

Q. Of course, you know that there is so many you can find them readily? A. What is that?

Q. You can find them readily? A. Oh, I presume so by hunting them up.

Q. One of them from Mr. Sullivan's, Mr. Kemble's and Mr. Simis' administration is all that I would want, Mr. Quintard? A. Certainly, if you want me to.

Q. The committee takes a recess from 1 until half-past 2; do you

think in an hour and a half you would be able to find one? A. No, I should not like to, because this request to come here for this examination, I didn't get it yesterday afternoon, and in order to come here this morning I have postponed some very important matter which now I will have to attend to at the recess; I wish you would excuse me on that until some later period; I will be happy to do it for you.

Q. Now, have you mixed up the costs that were allowed to former counsel in proceedings on bonds where the litigation was against an individual and a judgment was obtained with applications made on behalf of the department for the obtaining of money from paupers? A. No.

Q. You are sure that former counsel obtained money in the same way you have testified in lunacy proceedings? A. Certainly .

Q. You can't be mistaken? A. Can't be mistaken.

Q. You of course recognize the difference Mr. Quintard between getting a bill of costs in an ordinary action at law against a defendant against whom you have recovered judgment and obtaining an allowance out of the funds which you are directed to obtain for the benefit of the county? A. Certainly.

Q. Vast difference between them isn't there? A. Vast difference; anything more than the system; I don't know that there is any difference in the moral and legal efforts in the matter.

Q. You don't see any difference? A. I don't see any difference, why no; if there is any difference the responsibility rests with the judges of the courts and not with the attorneys.

Q. Do you recollect who was usually appointed of committee of these lunatics; was there anybody connected with your office appointed such committee? A. No; never.

Q. Never? A. Never.

Q. Usually a friend of the party or somebody connected with the department of charities? A. No; that was left entirely to the

court; sometimes the relatives would have some preference among members of the family, and that, of course, was always deferred to and the recommendation was made to the court; otherwise the court would appoint some trust company or some member of the bar in whom the judge might have confidence.

Q. Was Mr. Short ever appointed a committee to your knowledge? A. Mr. Short; never; not since I have been attorney; no one ever connected with the department was ever appointed, or with my office.

Q. You made charges against the county for costs and disbursements in these various actions and proceedings; did you not; that were added, during the years you were counsel up to 1893? A. Against the county?

Q. Against the department? A. No; I never made any charges against the department.

Q. Well, there appears upon the minutes upon the treasurer's cash book the following items of monies paid you: "April, 1890, Mary Katzmeyer, against Patrick Kelly, \$46.25;" what does that stand for, do you know? A. Well, that was one of those bastardy appeals of several years' standing which had been neglected in the court of sessions which I called up, and made them settle up with the department; I have already explained that to your associate, Mr. Pladwell, in regard to these matters; at that time the president of the board as I was informed—he never told me so himself—made a rule, in order that he might keep in touch with everything that was going on in the department that all costs in bastardy proceedings, in fact suits on bonds and everything of that kind, that was collected from defendants in suits which the attorney for the board was instructed to institute, should be paid in at the office of the department, and then paid out again on a sworn voucher by the attorney, so in all those cases you will find, or should find, in the department, sworn vouchers signed by myself, stating just exactly

what they are; now that is the costs allowed by Judge Moore in the court of sessions on that bastardy appeal in which you refer.

Q. Why wasn't it provided that these costs should go to the department? A. Well, because I think that is the law of the profession, that costs in cases of this kind go to the attorney.

Q. Even where the attorney is a salaried officer of the county? A. Yes.

Q. Of course the code doesn't say that does it Mr. Quintard? A. No; and the code doesn't say to the contrary.

Q. Oh, doesn't it say to the contrary? A. No.

Q. I thought the code says, that the plaintiff shall be allowed certain costs? A. That means the plaintiff's attorney.

Q. Oh, under your construction of it that means the plaintiff's attorney? A. Isn't that your construction when you are conducting a case.

Q. It has never been; I have practiced law 23 years; it has not been so yet; you construe that when the code says costs to the plaintiff shall be so much, you mean that shall be costs to the plaintiff's attorney, and when it says, costs to the defendant, it means costs to the defendant's attorneys? That is what you consider it is, Mr. Quintard? A. Well, that is the custom of the profession.

Q. And upon such custom, in addition to your salary as counsel to the board, you obtained these various costs? A. Yes, and they amounted to about \$100 or \$200 a year, with the exception of the first year.

Q. Those costs are still paid to you in any cases that arise, Mr. Quintard? There has been no change in the order of doing those things in the department? A. Well, there was a change about the time that you referred to; I protested at that time against that sort of red tape, merely paying it in and taking it out again; I thought it was unnecessary; the chief clerk informed me that

nothing of the kind had ever been done by my predecessors; I told the commissioners so, and I said I didn't think it should be continued.

Q. And so since that time costs in these cases are paid to you like costs in other cases, directly to you? A. Exactly.

Q. Without going through the department at all? A. Going through the department, and the results of the suit are paid into the department.

Q. The telephone in your office is still paid for by the county, is it not, Mr. Quintard? A. No; at the time that I was advised in—well, just before the present board, that is, Mr. Simis and Mr. Henry, came in—that they would have to take something off my salary, and they got to reduce expenses all around, they said there were several telephones that would have to be taken out in order to reduce expenses, and my telephone was among them, which I have always thought was unjust, because it is used two thirds of the time for the purposes of the department.

Q. But even that injustice didn't induce you to resign? A. Well, you know how it is; a man holding office, he don't like to give it up.

Q. Do you recollect, Mr. Quintard, upon the appointment of Nolan and Murphy as commissioners, in your official communication of that memorable event to the board of supervisors — A. There you are again; you say you are not inclined to be sarcastic; you are.

Q. Don't interrupt me; you can answer me in your own way—because it was a memorable event in the history of this county, that you commented upon a great change that was to be effected by the appointment of these two very honest men? A. I remember I said something to one of the reporters of the papers, which afterwards I amplified and gave to them all.

Q. I am speaking now of your official communication to the board

of supervisors, which you made after you had made the appointments. You made such a report, didn't you? A. No.

Q. You never did? A. No; not to the board of supervisors.

Q. Who did you make the report to? A. I made the report to the public, I guess, through the columns of the press; I don't recall anything of that kind; you may have seen something there, though.

Q. Well, do you mean by that that you wrote a letter to the newspaper? A. That is practically what it amounts to, yes.

Q. You have done that at various times, didn't you, Mr. Quintard? A. Oh, yes; certainly.

Q. Any over your own signature? A. Quite frequently.

Q. Ever over the signature of "One of the People," "Ex-New Yorker," "Kings County," "Home Rule" and "Justicia?" A. I don't recall but one of those names.

Q. Would you be reminded of them all if I was to show you the clippings from the newspapers? A. Yes.

Q. Which one do you now recall? A. It seems to me—well, what has this got to do—

Q. "One of the People," "Ex-New Yorker"— A. What has that got to do with this charities investigation?

Q. I will tell you in a moment. A. Has that got anything to do—

Q. Yes; I will get to it in a moment. A. Well, show me, and I will tell you. I have never written anything that I am ashamed.

Q. I understand that; it is not for the purpose of criticising you; I want to get the fact, Mr. Quintard, that is all; you have said now that you have sent this communication, was sent to the supervisors or given to the newspapers? A. I don't know that it is the same that you are referring to.

Q. You didn't file it in the department? A. No; I did not.

Q. Didn't you file the appointment of Nolan and Murphy in the department? A. No; filed it in the county clerk's office.

Q. Did you file anything with that? A. No.

Q. Nothing at all? A. No; nothing at all; nothing except the certificate of appointment.

Q. Then, in giving the certificate of appointment to the press you gave this letter, or whatever else it might be called, communication— A. No, not at the same time; I filed the appointment of the commissioners, and, as I recollect now, I gave an interview to one of the reporters of the paper, I think the Citizen; subsequently I think I recalled it and wrote out the interview with a view of giving it to all the papers, because I thought if I gave it to one, why some of the other gentlemen of the press might be offended.

Q. Didn't you state in that interview or whatever you wish to call it, that the affairs of the board referring to the board of charities were thereafter to be conducted more honestly and more economically than they had ever been theretofore conducted? A. No; I didn't put myself upon record as criticising those who had been there before, I am quite sure.

Q. You are quite sure about that; and even if the Citizen was to contain that language of yours, you would still be sure that you hadn't said it? A. Oh, well the reporters of the press are sometimes apt to misinterpret a person's language; I don't think I indulged on any criticisms on those who had been in the office before.

Q. Have you kept yourself acquainted with the testimony that has been elicited on this investigation? A. Have I?

Q. Yes. A. Well as far as I could; I have run in as often as I could to hear what was being elicited, as far as my time would allow me.

Q. And looked in the daily press in order to see what the report of it was? A. Yes.

Q. In the light of the developments before this committee, do you think that those commissioners that you appointed, did conduct the department honestly and economically? A. Well; I

hardly think you ought to ask me for an opinion on a matter of that kind.

Q. You were the creator— A. I am free to say, and I have no hesitation in saying publicly to you as I have to the commissioners, that I have been very much disappointed and very much surprised at the developments of this investigation; I will say that very plainly; I have said it to the commissioners themselves, and I have no hesitation in saying it to anybody.

Q. Were you ever consulted by those commissioners regarding their method of preparing schedules and contracts? A. Never.

Q. Or their method of conducting the business of their office? A. Never; in fact I may say, and it seems to me proper to say so, that when I did agree to accept the position as attorney for the board I told them that it was with the distinct understanding, that I was not to be the fourth commissioner, that my duties were to be confined simply to my legal duties, and I would endeavor to perform them to the very best of my ability, but I was not to be the fourth commissioner.

Q. You meant by that that you were not to have any of the responsibilities of a commissioner of the department of charities? A. Of the actual work of the department; I appointed three men in whom I had confidence and they were all over 21 years of age.

Q. Did you ever go with any of the commissioners or all of them to Albany on any tour of legislation? A. Yes.

Q. How many went, Mr. Quintard, and who were they? A. The three commissioners, Col. Gott, Mr. Murphy and Mr. Nolan, and I think the chief engineer, Mr. McCanna, and the secretary, Mr. Lamb, and the storekeeper, Mr. McLaughlin; I think that comprised the party upon one occasion that I recall.

Q. Seven men out of the department? A. Yes.

Q. Do you know what that trip cost? A. I never did until I heard the testimony in this investigation.

Q. And do you know that the county paid for it? A. Yes.

Q. Were you ever consulted to the payment of that money by the county? A. I was never consulted about it, no; but you understand, or do you wish to understand the occasion of that expenditure and of that trip?

Q. You can explain it, Mr. Quintard, I have no objection? A. I only say this because it has been improperly stated before.

Q. Mr. Gott stated it before; I will permit you to state it; I have no objection? A. Colonel Gott's memory I am sorry to say was rather defective on that and other matters; there was a bill introduced in the Legislature to turn over the care of the building of the county farm at St. Johnland to the commissioners of charities instead of the board of supervisors, who, as you know, have the power of erecting the buildings now; there was a bill introduced in the Legislature to that effect; I was instructed by the board to draw up such a bill, which I did, and it was presented by Mr. Quigley, a member of the Legislature; before it was introduced, I showed it to the editors of all the newspapers in Brooklyn, and without a single exception it was approved, and editorial articles approving it, appeared in the newspapers of that date; it came up to Albany, and when it came before the committee, representations were made in behalf of the board of supervisors, who then had the expenditure of the money for these buildings, that the board of commissioners of charities had nothing at all to do with this bill; their attorney stated there that it was a private fad of the attorney for the charities board, and that the commissioners were absolutely not responsible for it and didn't want it to pass; thereupon the chairman of the committee wrote to the commissioner of charities and asked if that was so, and if it was not so, that a hearing would be given in the following week, and requested that they come up there and make their wishes known.

Q. Day and hour being fixed for the hearing? A. Day and hour

being fixed; we did go up there, I think the president, Commissioner Murphy and myself, went up there and we argued before the committee as to the reasons why this bill should pass. Immediately thereafter, seeing I think that the committee were somewhat favorably disposed the board of supervisors with their county farm committee had a bill prepared turning over the whole matter absolutely to the board of supervisors, not giving even the commissioners of charities the power to prepare plans; in other words, of course it was a counter move and so understood; and that came up for hearing the following week, and nobody appeared apparently against it, and it seemed to be approved there; then for the first time it was suggested that the commissioners should go again and have a joint hearing and this lead to the hearing to which you refer, and the president at that time took along Mr. McCanna and Mr. McLaughlin, because Mr. McLaughlin had been a former member of the Assembly and presumably had influence; Mr. McCanna was an old Tammany man from New York, and presumably had influence, and there was myself and the three commissioners; went up there and stayed there two or three days and the result of the two rival bills as you know was they both came to grief; the supervisors had rooms there and were spending money very freely and the bills subsequently which were brought before Dr. Kretschmar, for approval were so enormous that he refused to approve them; I think they were never approved until after he went to Europe; I think they run up into the thousands of dollars.

Q. You are speaking now of the bill of expense for the board of supervisors? A. The bill of expense of the county farm committee; this bill of expense for the charities commissioners, I presume the president may have felt he was fighting the devil with fire for a little while.

Q. He was also spending money pretty freely? A. I knew nothing at all about his expenses; I never knew nothing about what the bills were.

Q. Well, you were there with him? A. Well, I didn't get in much.

Q. What is that? A. There wasn't much spent for my account.

Q. But Mr. Gott testified that some of it went for wine? A. If he said so, I presume he ought to know.

Q. You know nothing about that part of it, Mr. Quintard? A. I don't know nothing about that part of it; oh, well, I wouldn't say; I think on one occasion the colonel did invite the committee on internal affairs to come to his room, and opened a bottle of wine.

Q. That came out of the county? A. Well, that was an extreme case.

Q. I think you have testified that you didn't advise the charge of this upon the county? A. I never heard anything at all about it, and know nothing at all about it; I presumed, of course, I didn't suppose the colonel paid for it out of his own pocket, although I never knew.

Q. You presumed what? A. I presumed that the colonel didn't pay for it out of his own pocket, although I never knew.

Q. Why did you presume that? A. Well, as a poor man, I didn't suppose he had money to do it with.

Q. What was the occasion of the necessity of the expenditure of \$700 or \$800 by the pure creatures of the county, when the legislative portion of the county had its own wishes with reference to the buildings belonging to the county? A. Well, there was a very great difference of opinion as to the advisability to allow those expenditures to continue longer in the hands of the board of supervisors; you know that there has been very grave scandal connected with the expenditure of money by the board of supervisors.

Q. Not any graver than those as to the expenditures by the department of charities? A. Oh, I think so, most decidedly; the department of charities have nothing at all to do with these buildings—the erection of these buildings.

Q. But since you became counsel to the department of charities it did erect new buildings? A. No; what, at Kings Park, at St. Johnsland?

Q. No, at Flatbush? A. No, I don't know of any new buildings erected there.

Q. Erected a new chapel; did you ever know that? A. I think I have read something; that is done by the labor mechanics in the department I suppose.

Q. Well, we will get at that in a moment? A. Yes, I thought you were speaking of the county farm at Kings Park.

Q. No; I was speaking generally of the erection of new buildings; you knew and know now that the board of supervisors alone have the power of erecting new buildings? A. I think that there you open a very large question.

Q. You think there is any large question about it? A. I do, most decidedly.

Q. Were you ever consulted with reference to that question by the department or its commissioners? A. Not until about three or four weeks ago.

Q. Never before that? A. Never before that; no.

Q. When the commissioners erected this new chapel and other buildings, they didn't ask you whether they had the power? A. No.

Q. Sure about that? A. I never knew anything about it; no.

Q. Mr. Gott testified, Murphy testified, that they consulted their counsel with reference to it, not officially, but they asked him about it, whether they had the right to erect? A. I hardly think that Mr. Murphy said so; if he did I am sure they were mistaken; I never heard of it; I didn't know that they had erected any such building until you were questioning about it; I have not been there in two or three years; I didn't know there were any such buildings erected.

Q. Were you ever consulted whether they had a right to erect new buildings by days worked or were compelled to do it under the law by contract? A. I never was.

Q. You have read the law, of course, creating the department of charities—read it through many times. A. Yes.

Q. Did you ever advise them that the commissioners had the same powers exactly as the board of supervisors? A. No, not the same powers exactly as the board of supervisors, but I have advised them in a communication which I sent about a month ago, that they had very many of the powers of the board of supervisors.

Q. Well, you know that the law of 1886 is exact in what capacity, in what direction, they have the same powers of the board of supervisors? A. The law of 1880, you mean?

Q. Yes, of 1880. A. Yes.

Q. You know that in so many words it says, where they shall have the same power as the board of supervisors? A. Yes, and I understand the statute is capable of a very broad interpretation in regard to the powers of the board of charities, and in regard to this opinion which I furnished about a month ago, I stated it as I thought the law was.

Q. That is to say, Mr. Quintard, in your opinion this law of 1880, which relates to the department of charities, is open to a great deal of elasticity in its construction as to the powers of the commissioner? A. That is it exactly, yes.

Q. I have sent for the law, and we will see whether you will still agree with that when I get through with it. A. Yes.

Q. And on how many times did you go to Albany for the department? Do you remember? A. On this particular matter concerning which you have inquired, my recollection is twice.

Q. On any other matters? A. Yes; I was endeavoring at one time in two sessions of the Legislature to have the abandonment laws amended and codified. They were in three separate sessions

laws; and the first year I failed in getting it through; I think I went up once or twice each year; and again there was a question in regard to the board of State prisoners; we didn't get as much as other counties were getting, and I prepared a law to put us on the same basis as to the Kings County Penitentiary, with the Albany and Erie County Penitentiaries.

Q. Any of those laws passed? A. Yes.

Q. Which of them? A. They all passed; the one in regard to the board of prisoners didn't pass the first year; the Governor refused to sign it; it passed the next year, however, and was signed.

Q. And the expense of your trips to Albany, then, were made to the department? A. Certainly.

Q. Do you recollect exactly when those two trips to Albany were made; one time three of you went, and the other time seven? A. Well, they were when those bills were pending; I don't recall, no; let's see, I guess about 1892, it must have been, possibly 1891.

Q. Of course it was absolutely necessary to have seven people go up there? A. Well, that wasn't for me to decide.

Q. Who decided it? A. I presume the president of the board; I was instructed to go, and I went; that was all there was about it.

Q. You obeyed orders in that direction? A. Certainly.

Q. Let me read you that portion of the act which creates the department of charities; if there is anything else you want then read, I have no objection to your reading it; on page 421, of volume 1, of the laws 1880, and the only place in the act where the board of supervisors is mentioned in conjunction with the power of the commissioners of charities in the entire act, appears the following: "The said board," meaning the board of charities and corrections, "shall have power to purchase all such articles and supplies as shall be necessary to be used in and for the relief and support of the poor in the county of Kings, and for the support of the persons confined in said penitentiary, and for that purpose shall generally possess

every power and authority now possessed by the commissioners of charities and the board of supervisors of the county of Kings not inconsistent with the provisions of this act;" "and for that purpose," namely the purchase of articles and supplies. A. No, and for the support and maintenance of the institution, isn't it?

Q. Does it say anything here, "for the support and maintenance?" A. Can I see it—

Q. Just let me read it to you again— A. Well, let me look at it a moment—

Q. And then I will give it to you. A. All right; go ahead.

Q. "The said board shall have power to purchase all such articles and supplies as shall be necessary to be used in and for the relief and support of the poor of the county of Kings, and for the support of the persons confined in said penitentiary, and for that purpose shall have the power of the board of supervisors." A. Will you let me have the law a moment?

Q. I will let you look at it. A. I would have brought the opinion with me if I had known the course that the examination—

Q. Right here, Mr. Quintard, where I have my finger (indicating); no objection to your reading the whole act, Mr. Quintard. A. There is another section, in section five, counsellor, which I think should be taken in direct—

Q. Read it. A. "The state board of commissioners of charities and corrections shall have exclusive power to fix the salaries or compensation of the officers' subordinates or other persons by said board appointed or employed, and to make all expenditures;" now, in that fifth section—

Q. Go ahead and read it. A. "And to make all expenditures provided the amount raised and appropriated shall not be exceeded."

Q. That is to say, they shall make all expenditures in accordance with the provisions; isn't that so? A. Provided that the amount raised and appropriated shall not be exceeded."

Q. Exactly? A. Yes.

Q. Now, in the same year — A. Well, hold on.

Q. Well, wait a moment; I will let you explain if you want to after; I simply want to call your attention to the fact; the same year that that act was passed, there was an act passed creating the board of estimate; do you know that? A. Yes.

Q. And in that act, creating the board of estimate, that act directed the commissioners in words that they must by itemized account submit to the board of estimate the monies that would be necessary to conduct the department for the year; do you know that? A. That is for the information of the board of estimate.

Q. Does it say so in the act “for the information of the board of estimate?” A. Well it does impliedly.

Q. It doesn't say so in words does it? A. Not in words; you have quoted it correctly.

Q. It does say that they should give an itemized account to the board of estimate yearly? A. Yes.

Q. And it is also a fact that the board of estimate in each year, allows by itemized account certain sums for the department of charities and corrections, isn't that so? A. Not necessarily by itemized account; there is nothing in the law requiring them to do that.

Q. I didn't ask you what there was in the law, Mr. Quintard; I asked you whether it was not a fact that the board of estimate allowed by itemized account to the department of charities the moneys so allotted to them? A. I think not always, counsellor.

Q. Mr. Quintard, can you find in all the years that you have been counsel to the board a single allowance, a single allowance, in a single year, that it was not by itemized account? A. Well, before I —

Q. No; no; you will answer that, and explain afterwards? A. No; now let me explain.

Q. No; wait a moment? A. No; no; you said; I could explain afterwards.

Q. I will give you an opportunity to explain; I have had enough of your board of charities before, I want you to answer that first?

A. Now, treat me as a gentleman, Mr. Hirst; I am trying to be very complacent —

Q. I want you to answer my questions; as I want it? A. I am perfectly willing to answer them as you want me to.

Q. Just a moment, and then I will let you explain all you want to; isn't it a fact that every allowance made by the board of estimate is in items of this kind: "So much per salary, so much for supplies, so much for mechanics' services, so much for very many other things, named as items in the allowance?" A. I think it is now.

Q. Yes; now can you explain. A. And the reason that it is now. is due to my own action as a member of the board of estimate.

Q. Not now? A. When I was supervisor at large.

Q. That has been 10 years' ago? A. No; not quite as long as that; I was last a member of the board —

Q. Nine years ago? A. No.

Q. You were in in 1896, you said? A. In 1889 I was last a member of the board.

Q. You were supervisor at large in 1886? A. Yes, 1886 to 1889 — 1886, 1887, 1888, 1889.

Q. But the board of estimate was created away before that time? A. In 1880.

Q. So you were a member of the board of estimate in 1886? A. In 1886.

Q. Yes, that's what I said. A. Now I want to explain how that came about; up to that time it had been quite the custom, I think, for the charities department and for the department of parks, and perhaps for some other departments, to put in their requisitions in a lump sum, and not minimize them, the ground being taken

that the board of estimate were not required to itemize these accounts; but the late Judge Livingston, who was a member of the board at that time, raised the point, in which I supported him, I remember, that all the departments, for our information, must be required to itemize their accounts so as to say they wanted, as you have said, so much for this and so much for that, and I think that thereafter, up to the present time, including the board of charities and corrections, that it has been the custom to send in an itemized account; the law requires it, and they should do it, but the law does not require that the board of estimate necessarily shall grant the requisition in that way; they can grant it in a lump sum, and I maintain that having granted it in a lump sum, that the various departments, including the department of charity, have the power to expend it for the needs of the department, and I have so advised the board according to my best judgment.

Q. Is that in full your explanation? A. That is what I wanted to say, yes.

Q. Now, will you tell me a single year, a single year, since the act creating the board of estimate was passed, when the board of estimate allotted a lump sum to the department of charities? A. I think prior to 1886; I think you will find it was not itemized to any extent at all.

Q. That would appear where? A. It would appear in the minutes of the board of supervisors, I should say.

Q. Can you find one year where that was done? A. I presume I could if I look; that is my recollection; I don't say so; I know the question didn't arise in regard to the commissioner of charities department; it did arise in regard to the department of parks; they had prior to that asked for a lump sum for the maintenance of the park, and that time they were required to itemize what they wanted it for; my recollection has been—if you have looked it up and say it is not so, of course I can't dispute it—but my recollec-

tion has been that the department of charities had prior to that very largely made their requisitions in a lump sum; but thereafter they were required to itemize it, more particularly for the information of the board.

Q. And isn't it a fact that for the purpose of obviating that very condition of affairs, namely, that the department of charities had previous to the passage of that act, obtained allotment of moneys for that department in lump sums, that that act was passed, so that particular provision might be made for the various items that go to make up the lump sum? A. I think so.

Q. Yes? and in accordance with that idea that act was passed, so that, whether for information or otherwise, the board of estimate might be guided exactly by these itemized accounts, as to what the money was to be used for? A. That is primarily, probably, the object of it.

Q. What is that? A. Primarily, probably, that was the object of it, very properly.

Q. And when the board of estimate allotted the moneys for these various items, it allotted them upon the assumption that they were so to be used? A. Well, that is where the other legal question comes in, which I have examined with considerable care and given an opinion on to the board; I think that in that particular point they had the same power as the board of supervisors.

Q. And can expend the money as they please? A. They can divert it to any other object within the legitimate scope of their power.

Q. What do you call the legitimate scope of their power? A. Those that are given to them by this act, maintenance of the penitentiary.

Q. But Mr. Quintard, you notice that that act does not permit then to go on a legislative tour and junketing tour to Albany and spend the money of the county for that? A. I am not saying anything about that.

Q. But I am? A. What do you want me to say about that?

Q. I want to know whether they are permitted to spend the money of the county for that in your opinion? A. Well, I will tell you just what I think about that if you will allow me.

Q. I have asked you a question, Mr. Quintard, if you will only answer? A. I think that under the particular circumstances in which they were placed, then, the bill pending at Albany, to absolutely deprive them of the power over the institutions which had been placed in their charge by the Legislature, I think that if the commissioners and those who they thought would be useful in influencing the opinion of the Legislature, had gone up there and spent \$50, or \$100 and put down on the books what they had spent it for, I think they would have been perfectly justified in doing so; might be stretching the thing a little, but then at the same time, if I had been a commissioner, I would have done it; what the \$700 or \$800 were spent for I don't know; I think that was a pretty good charge; I don't know, it was probably all legitimate, I don't criticise them about it.

Q. I don't ask you to; it would be very hard to have you criticise the people that you yourself appointed, Mr. Quintard; I don't want you to criticise— A. No, sir; wherever I think they have done wrong I feel free to criticise them, just as I have done already in my testimony here to-day.

Q. You know as a matter of fact that the moneys earned by the department were diverted for other than the purposes of the department? A. I didn't know that; no.

Q. You didn't know that? A. No.

Q. Well, this particular money which was drawn by the treasurer of the board, \$700 or \$800 of it? A. Oh, well; in that case I have already expressed my opinion.

Q. So that if the commissioners had the right to divert money, regardless of the manner in which it was appropriated by the board

of estimate and they could divert it, say, in the small sums that you speak of, \$50 or \$100, and they stretch that, themselves to the large sum of \$700 or \$800, there would be practically no limit at all unless the law placed the limit for its diversion; that is true isn't it?

A. Well, strictly speaking, in accordance with the moral ethics, probably they hadn't any right to spend anything at all.

Q. That is a strict construction of the law? A. Strict construction of the law, I presume, they should have sent their attorney there, to make the necessary legal argument before the committee, and paid his traveling and hotel bills; I presume that would have been a strict construction of what they should have done.

Q. What was Mr. McCanna and Mr. McLaughlin taken up for unless it was to influence some members of the Legislature? A. I guess that is what they were taken for.

Q. Mr. McCanna was taken up to influence the Tammany men and Mr. McLaughlin to influence the Kings county men; is that it? A. That is my impression; no, not the Kings county men, in Mr. McLaughlin's case; he had been a member of the Assembly for several sessions.

Q. You took him up for the experience, and the manner— A. Yes; he knew—

Q. Knew how to reach members? A. He knew the gentlemen from the country; I never was told what they were taken for; that is only my impression; they didn't argue before the committee.

Q. Were there any sessions that these seven gentlemen attended besides sessions of the Legislature while you were up there? A. What do you call "sessions?"

Q. Well, sessions at which something else besides the simple legislative bill before the house was discussed. A. Well, I only recall one occasion, to which I have referred; as I say, I think the president invited, as a matter of courtesy, invited members of the internal affairs committee.

Q. Well, they had charge of this particular bill? A. They had charge of this particular bill.

Q. But you say you were up there two or three days; now, this is only one night. A. Two days, I think.

Q. I am speaking of other sessions, sessions at which cards were played or anything of that kind? A. No.

Q. Nothing of that kind? A. No; on this one occasion I don't think more than three bottles of wine were got away with.

Q. Mr. Gott's personal bill, as appears upon the records at that time, in addition to fares and so forth—there was a little personal bill of your own, of something like \$19—was over \$300; three bottles of wine would hardly come to that? A. I speak of Col. Gott's bill; I never knew what it was, never knew anything about it, until it came out in the course of your investigation; I charged up my railroad fares and hotel bills; that is all I knew about.

Q. Didn't you go up on a pass, Mr. Quintard? A. I didn't go up on a pass, no; I didn't have enough pull.

Q. How are bond cases now settled, Mr. Quintard, do you know? A. Suits on bonds?

Q. No; in abandonment cases, where a man may be in jail and the matter is settled? A. Well, I commence action on a bond—

Q. No; where the wife comes and asks to have it settled; let the man off? A. Where a man is convicted of abandoning his wife and family and is in jail in default of bond, and the wife relents and comes to the board and asks that he shall be discharged, the commissioners, both the old board and the present board, generally send, and they notify me to that effect, and I notify the county judge officially in my capacity as attorney that the complainant and the commissioners consent to the discharge of John Doe or Richard Roe from jail, and that is done in that way.

Q. Is there any fee attached to that? A. No fee.

Q. Or paid to counsel? A. No.

Q. Or to his assistant? A. No.

Q. Never has been? A. Never; not one dollar.

Q. Was that formerly, under Gott, Nolan and Murphy, sent directly to you, the getting of these people out of jail, and now is done by the commissioners themselves; has there been any change?

A. No change.

Q. In the last two or three years? A. No change; no.

Q. Isn't it a fact that formerly you sent letters individually as counsel to the board to the county judge, and that now the commissioners send the letters? A. No, that is not so; possibly there may be some cases both under the old and the former board, where the commissioners send the letter to the county judge direct without sending it to the attorney, but as a rule they send it to the attorney in order that he may keep the record on the books, so in case the same party is brought up again, under a similar charge, why, I will have the record on hand when it comes up for trial again in police court; but there has been no new practice in the department in that respect in any way.

Q. Did you have anything to do with the appointment of mechanics in the department? A. Never.

Q. Never had any patronage at all, Mr. Quintard? A. The only patronage that was ever given to me at my direct request since I was attorney for the board has been one clerk in the office of the board and the keeper of the penitentiary.

Q. Who was the keeper? A. His name is Addison.

Q. Is he still there? A. He is still there, yes.

Q. And the clerk? A. His name is Goodhue.

Q. Used to be deputy sheriff? A. Yes, and he is still there; I requested both those appointments, and the board made them; that is the only two appointments that have ever been made for me or upon my request, at any time, either while I was supervisor-at-large or while I have been attorney for the board.

Q. Did you ever know how appointments were made of mechanics? A. No, not any—

Q. Were you ever asked your opinion by the commissioners whether they should appoint mechanics and others doing the work of this department at a regular meeting of the board? A. I never was; I always supposed they were so appointed; never heard to the contrary.

Q. You have never heard to the contrary? A. Except as I have heard in this investigation.

Q. Mr. Murphy testified, when he was first asked how appointments were made, stated that they were all made at the regular meetings of the board; when his attention was called to the fact that there were some 40 or 50 appointments made in a single month, whose appointments did not appear upon the minutes or any minutes, he gave as a reason for that, the only reason he said he could give, that perhaps they were appointed at an executive meeting; did you ever hear anything of that kind? A. I never knew of an executive meeting; I didn't know that they ever held any such until I read the testimony; I think I heard the testimony of Mr. Murphy to which you refer.

Q. To that effect? A. Yes.

Q. Mr. McCanna, on the other hand, the chief engineer of the department testified this week that the appointments of men at the time when a large number of them were appointed were by simply a note sent by one of the commissioners to him, "To appoint this man," and he was thereupon appointed; or, "Put this man to work;" did you ever hear any of those things until this investigation? A. I never did; but whatever Mr. Murphy told you, you can rely upon as being true.

Q. Well, and where he and Mr. McCanna differ, you would believe Mr. Murphy? A. I should say there must be some difference of recollection; but in absolute contradiction, I should certainly believe Mr. Murphy.

Q. You say you never were consulted as to any manner of making appointments? A. Never.

Q. Didn't you know at the time Mr. Quintard, that the pay-rolls of the department were used for the purpose of making places for friends of the commissioners about election time? A. I never knew or thought of any such thing.

Q. Never heard of it? A. Never heard of it.

Q. You are a constant reader of the newspaper? A. Yes.

Q. Did you ever see that these things were a matter of talk, in the newspapers for years? A. Oh, I have often heard it said in the press that there were too many men employed there, and I guess it is true.

Q. But you never did anything about it? A. I never had it called to my attention especially in any way, except in a general way, not merely in regard to the recent board, than in regard to their predecessors; the general impression, the general criticism, has been that there were too many mechanics employed for the work that was to be done, but I didn't know that it pertained any more to one board than another; I think they would be all apt to crawl into the same rut

Q. Do you know that it has been a matter for criticism for years with reference to the Gott, Nolan and Murphy regime, the method in which Gott, Nolan and Murphy conducted that department? A. In what respect do you mean?

Q. In every respect? A. Yes; I know they have been criticised pretty freely in the public press in regard to some matters.

Q. And the matter was never a matter of consultation between them and you as their counsel at any time? A. Not in regard to the matters of the administration, except as legal questions came up; I never put myself in the way of being the fourth commissioner as I have said; whenever they asked me in regard to any points —

Q. You never had found, as legal adviser, that the result of the

action of the commissioners might have been indictment and State's prison for them? A I never thought, and I don't think, that they have in any way, either by omission or commission, have been guilty of any such laches as that.

Q. Did you ever know that farm produce and other matters raised in Kings park were sent to Mr. Gott's house? A. I knew of it in this way, through Commissioner Murphy—do you wish me to explain what I—

Q. Yes; go right ahead. A. Well, some two or three years ago, I noticed a statement to that effect in one of the newspapers, that something had been sent to Colonel Gott's house from the county farm; I asked Mr. Murphy about it, and Mr. Murphy told me that he had spoken to the president about it at that time, and asked him what it was, and he told him it would be open to mis-construction, and that Mr. Gott told him that it was a box of clams, and a barrel of vegetables, and thereupon he had told the party who sent it, not to send anything of that kind further; and that was all I ever knew or ever heard of in connection with any such matters, until you questioned some of the witnesses on this investigation.

Q. Never appeared at that time to Mr. Murphy that, as has been testified to here, by the station agent in charge of Kings park, that over 40 packages are written sent to Colonel Gott's house from there? A. I am sure that Commissioner Murphy never knew or suspected anything or thought of anything of the kind.

Q. Did you ever know that county employes with county material, in county time, for which the county paid, did work at Col. Gott's house? A. I knew that in precisely the same way as I did in regard to what I have just told you.

Q. Told by Mr. Murphy? A. When the first intimation of that appeared in the newspapers—no, I think I asked the president myself, what that meant and what it referred to, and the explanation that he made to me was very innocuous, and I always supposed—

Q. What was the explanation that he made to you? A. Well, he said that he had a bath tub fixed up, and one of the county employes came down there overtime, and that he paid for it himself; and I told him that I didn't think that it was exactly the thing to do, even if he did pay for it himself; well, he said, it was such a small matter and he didn't think of it at the time, and had been sorry for it ever since; that is what he told me, at the time, and I knew nothing in regard to any other circumstances, and I am informed now, that all the work done including the time and labor would amount to about \$30.

Q. You have since discovered that? A. I have been informed so.

Q. By the men who did the work? A. No, by outside parties, who were friends of the late president's; I don't suppose it was over \$50, couldn't have been at the outside.

Q. All the money admitted himself on the stand, that he admitted was \$2? A. I wasn't here at the time you were questioning him about that; I think the Colonel ought to have owned right up about it and said "here is a check for \$50, whatever it costs and let the thing go;" but his memory was bad about it, I suppose.

Q. That is what you call it? A. Don't you?

Q. No, I don't; there is another place where I differ from you? A. I am not calling it; I am not characterizing it at all.

Q. The county from which I came, they would call it lying; I don't know what you would call it; did you also know that by the method in which the schedules were prepared in the department, the system of bidding was open to the fact that the county was swindled to very many thousands of dollars? A. No, I never knew anything at all about the system of bidding on the schedules; it never came before me in any way; I never had occasion to know anything about it; I was never there when any bids were opened, never heard any bids read.

Q. Were you ever acquainted with any of the successful contractors? A. Senator Birkett, I know quite well.

Q. Anybody else; do you know Newman? A. No, I don't know him.

Q. Hanna? A. No.

Q. Cavanagh & Thompson? A. No.

Q. Belford? A. Belford, I know by sight; ex-Alderman Itjen, and Mr. Birkett, are the only two that I recall that I claim to be specially acquainted with.

Q. Then you were never brought in contact with the fact that while ostensibly, contracts were awarded to the lowest bidder, as a matter of fact, the department gave the contracts to the highest bidder? A. I just answered that question; I never knew anything at all about that.

Q. I know you said that; I am asking you whether you were ever brought in contact with it in any way? A. No; I never was.

Q. The matter was never discussed before you? A. Never.

Q. Did you ever hear of it in the press or any other way before this investigation, I mean? A. Well, there has been a certain sort of statements sometimes I think in regard to what is called balance bids, but nothing to call my attention to it in any special degree or to elicit any particular inquiry.

Mr. Schulz.—This committee will take a recess until 2.30 p. m.

Proceedings of Friday afternoon, September 27, 1895.

The committee convened pursuant to adjournment. Present: Mr. Schulz, of the committee, and Mr. Hirsh, of counsel, and an adjournment was taken until Monday, September 30, 1895, at 10 a. m.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON
THE AFFAIRS OF CITIES, INVESTIGATING THE
DEPARTMENT OF CHARITIES AND CORRECTIONS
OF KINGS COUNTY, NEW YORK, MONDAY MORN-
ING, SEPTEMBER 30, 1895.

Present — Messrs. Schulz, Cole and Hennessy, of the committee.
Mr. Hugo Hirsh, of counsel.

Adolph Simis, Jr., having been recalled for further examination,
testified as follows :

By Mr. Hirsh :

Q. Mr. Simis, was there an investigation by a committee of the
staff association of the Kings County Hospital of the hospital itself?

A. There was.

Q. And did they make a report? A. They did.

Q. And is this a copy of the report? A. That is.

Mr. Hirsh — I offer it in evidence.

(Report referred to received in evidence and marked "Exhibit 34"
of this date.)

Q. You heard or read the testimony of Mr. McCanna, given here
upon the stand? A. I read some of his testimony as published in
the "Eagle."

Q. If you desire to say anything with reference to that, I want
to give you an opportunity of saying it as briefly as you can, if you
please? A. Yes. I wish to thank the committee and the counsel
for the opportunity and for the courtesy extended me. Mr.
McCanna is absolutely mistaken when he testified that I ever volun-
teered my legal services to him. On no occasion has that occurred.
His testimony is equally false when he testifies that the charges he
made against engineer McGarrahan were dismissed by the depart-
ment because of an alleged political influence or pull that McGar-
rahan was supposed to have. Personally I offered a resolution dis-

missing the charges, after an investigation. I hold in my hand a written copy—not a copy, but the charges themselves, preferred by Mr. McCanna. In them he states that he suspended this man McGarrahan because he left his post of duty without permission. Found the man was taken sick, that he reported to Mr. McCanna's son, Mr. McCanna being absent, and that he left his post of duty that evening and placed the fireman of his watch in charge, and, therefore, the suspension was dismissed and set aside. With respect to Engineer Moylan, this man Moylan was recommended to the department by Franklin Woodruff, he having been in Franklin Woodruff's employ for many years as engineer, and upon the recommendation of Commissioner Burtiss, Moylan was appointed, he being a war veteran and having his certificate and license as engineer. The explosion of the boiler at St. Johnland, which Mr. McCanna charges to the incapacity of this man Moylan, was, after a thorough investigation — there was no question about it—it was found that that boiler and the boiler house had been tampered with, and by some one inimical to Mr. Miller, who had been placed in charge of St. Johnland — or rather, he was not then in charge of St. Johnland, but rather the assistant chief engineer; and it was after their investigation that the department concluded, in the interest of the service, to put Mr. Miller absolutely in charge of St. Johnland, and relieve St. Johnland from Mr. McCanna. There is no idea of the department to promote anybody in Mr. McCanna's place. When Mr. McCanna was chief engineer—or rather, I should put it this way — before the State takes control of the insane departments, there were 42 boilers in charge of the department. Fifteen of these were at St. Johnland, nine of them at the insane asylum and four at the annex of the insane asylum, so that practically it left Mr. McCanna in charge only of 15 boilers. Seven of these are in the penitentiary and they have been removed from his care some time previous, so that practically there were but eight boilers left for Mr. McCanna to supervise and superintend.

Therefore it seems an injustice that the place should not be abolished and it was so abolished. But one other item that I have upon my memorandum. I want to say this in justice to the other commissioners, that any charge made against Mr. Henry or Mr. Burtiss, regarding any neglect of duties is absolutely false; that there are no two men in the department, or no officer in the public service who, in my estimation, have done more for the benefit of the department than they, as is demonstrated or evidenced by the improvements and by the vast amount of money saved in that department since the administration of Simis and Henry and added to by Mr. Burtiss. Now that is all I have to say, and that substantially replies to everything—I want to say this, that he says they have never spent more than half an hour at a time. I have been personally half a day at a time, and I know that there is no day elapses, including Sundays, that one of the commissioners, myself excluded, I am not taking myself into the visitation of the county buildings at all—that one of the commissioners is not at the county buildings. Now, if there is anything else, Mr. Hirsh—

Q. No. A. Again, I say, I am much obliged.

Henry J. Taft, being called as a witness, and duly sworn by Mr. Cole, testified as follows :

By Mr. Hirsh.

Q. What is your business, doctor? A. I am a surgeon dentist at present, and a chemist.

Q. And where located? A. Seven hundred and nine and 711 Broadway, Brooklyn.

Q. And how long have you been a surgeon dentist and chemist? A. About 18 years.

Q. Were you at any time an inmate of the Kings county penitentiary? A. I was.

Q. During what years? A. From May, 1892, to May, 1894.

Q. And what was your position while you were there, doctor?

A. I had charge of the hospital a portion of the time that I was there.

Q. And the rest of the time? A. Extracted teeth and did work, the same as any other inmate of the institution.

Q. Did you become acquainted during the time that you were there with the methods pursued by the warden and the keepers regarding the inmates? A. I did.

Q. With the food that was given? A. I did.

Q. With the treatment of convicts? A. I did.

Q. By the keepers and the warden? A. I did.

Q. With the treatment of convicts by physicians? A. I did.

Q. Were you also brought in contact with convicts who were placed in what was known as the coolers? A. I was.

Q. Did you as a chemist examine the food in order to see what the character of it was as furnished there? A. I examined the food, I did.

Q. And of course you were fed upon the same food that was given to other inmates? A. Excepting the time I was in the hospital?

Q. What was your position in the hospital? A. I acted as house surgeon; I acted as druggist, and acted as surgeon dentist.

Q. And how long were you in the hospital? A. I was in the hospital from October to February.

Q. What year? A. That was in October 1893, to February '94.

Q. So that was the last end of your service there? A. The last end of my service there.

Q. Will you state what you know with reference to the conduct of keepers toward inmates of the penitentiary? A. Well the keepers in the shop were, during the time that I was there, very strict with the men, very good; but during the time that I was in the hospital, why I saw some very unusual occurrences there. The keepers there at night time, they were asleep; and for a time there wasn't any keeper there. I acted as keeper and had charge of my

men there the same as the keeper, while I was there. So while I was there, we had no keeper in the hospital at all. The men were all orderly under my charge.

Q. Did you go at any time through the shops? A. I had full sway of the whole place night and day, all hours at night, and all hours during the day.

Q. Do you know whether inmates were given certain tasks to perform? A. They were given tasks to perform.

Q. And what the punishment was, if any, for non-performance of that task? A. They were kept in the coolers at the discretion of the keeper who locked them up.

Q. Do you know whether there was any trial of such a person, such an inmate, before he was sent to the cooler? A. I am positive that there never was any trial; he was taken directly from the shop and placed in the cooler.

Q. What is the longest term that you personally know that any inmate was in the cooler? A. About 26 continuous days and nights.

Q. And who was that? A. That was a colored man by the name of James Firman.

Q. And did you attend him there? A. I attended him during the time he was in the cooler there.

Q. He had attempted to escape had he not? A. He had escaped and they returned him, found him in another State and returned him, and they placed him in the cooler. That was away down in the ground, had never been used. It had been condemned but they had used it for this purpose for this man, away under ground, and the very same cooler now is closed up, or was at the time I left there, closed up and filled over.

Q. Have you ever been in the cooler? A. I have, yes.

Q. How long? A. I think I was there about, let's see — well perhaps 48 hours; may be longer, I don't know; but I will say 48 hours to the best of my knowledge.

Q. What for? A. I reported to the warden of the institution of a Saturday afternoon for Sunday that I was physically incapable of performing the task, performing the work, and that I would like to have something that I would be able to do, and that I wouldn't go to work on Monday morning. Monday I went over the line to the shop. I reported to my keeper there, that I was physically incapable of performing the labor, and would like to have something according to my constitution would stand; and he said he couldn't do it without the warden. I said to him: "I want you to lock me up." He said: "Well, you are very foolish;" he says, "I don't want to lock you up." I says: "I want you to lock me up, because I want to make a record of this." So he took me over and locked me up.

Q. So there is no discrimination there, so far as the individuals are concerned, as to the task? A. No discrimination, no.

Q. That they must do? A. No discrimination.

Q. What is the complaint made, that an inmate can't do his task or disobedience of orders? A. We never know whatever complaint is made.

Q. Are the inmates also deprived of food? A. They are deprived of food. During the time that I was in the cooler, I was treated the same as anybody else there, I had a slice of bread, weighed I suppose about six ounces, and a cup of cold water, first thing in the morning, say about half-past five or six o'clock. That was all I received all day, except I would rap my cup for some water. No other food all day long, until next morning; no blanket, absolutely nothing but to lie upon a cold plank, and the cell was all dark.

Q. Do you know whether any goods or personal property of convicts is taken away from them and not returned? A. Yes, I know at the time I entered the institution, I notified the clerk of the institution, stating that I had found my new suit of clothes. I asked him—I told him to retain the suit of clothes for me, until—I in-

tended to leave the institution before the expiration of my time, as I intended to fight my case, and I was sure I would get out before the expiration of my term—not to give away my clothes. So prior to my coming out I had sent a notice in handwriting by one of the hallkeepers, to the individual keeper who had charge of my clothes, giving him the statement of it, or list of what clothes that he had belonging to me, making a demand for them. But I didn't receive them when I came out, so I then went to the commissioner's office and made a charge against the keeper in writing, that I had been robbed of \$20.25 worth of personal effects.

Q. What was the result of that charge? A. The result was the commissioners said, "Why didn't you ask Mr. Hayes about it?" So of course it would be useless for me to ask Mr. Hayes and I dropped the matter.

Q. You didn't get your clothes? A. I didn't get my clothes, no, nor the value of them.

Q. Was there any misuse of poisons in the penitentiary that you know of? A. Yes, I know there was one man who was poisoned there, to the best of my knowledge and information that I received, by the name of Vesia, I believe; and another man that I know to my knowledge, positive knowledge, received poison and died, Mr. Meli.

Q. How was that poison administered? A. Mr. Meli came in about 3 o'clock in the afternoon, and complained to the druggist that he was not feeling well, and the druggist administered a poison to him, and along about 9 o'clock that night he was brought in dead dying. He died while I held him up from the floor in the hospital, taken out from the cell and brought over to the hospital.

Q. Do you know what was that was administered to him? A. I don't know what it was administered to him, I have a faint idea, it was what we call the tincture of veratrum verides, or white helebore, as a few nights before that, this druggist was quizzing me about what would be the best poison to administer to a person and

upon an autopsy they wouldn't find it in the body ; so, of course, I gave him all these points.

Q. Had this Robert Vesia, that you speak of, any personal property? A. Robert Vesia had personal property, comprising a leather satchel and a pair of shoes and a gold pair of cuff buttons, designating an English pound note on the cuff buttons, and some property which I have now forgotten about in the way of a little groceries, etc., that this nurse or druggist confiscated. I saw the articles after the man was dead.

Q. What became generally of property that was kept there of the inmates who died? A. If a convict died in the hospital, during the time I was there, the personal property he had was confiscated by the druggist, and to the best of my knowledge and belief, those who were in the long term side of the prison having any property was confiscated by a keeper by the name of William Smith. That is the best of my knowledge and belief. I haven't got any positive proof of that fact, but he was the one we looked to for our clothes. Then in the short term side of the prison the property was controlled and governed by a man by the name of Mr. Reilly.

Q. Is William Smith the man that sold certain articles to the convicts? A. He was the man that sold certain articles to the convicts. He looked after the groceries and the kerosene and the tobacco, etc.

Q. Was there any coroner's inquest of either of these people? A. Prior to the death of this Mr. Meli, I told this here druggist, I says, " You mustn't give a doctor's certificate for the death of that man, you must report this case to the coroner. This is a case for the coroner, and he looked at me ; he was very much afraid of me because I had known some little work of his ; and at any rate they sent for the coroner, and the coroner came there and a couple of men attached to the stables, I believe the horse stables outside, came in and acted as jurors and went away. There was no evidence taken there at all. I told them afterwards I believed that my evidence should have been taken in that case.

Q. Are convicts taken to the hospital as soon as they are ill?

A. Not as a general rule. A man has got to be very sick; has to be very sick before he was assigned to the hospital, and then as soon as he got there, if he wasn't sick or well in the course of 10 days, or dead or alive, he was taken out of the hospital. They never gave them over 10 days in the hospital.

Q. How far was the hospital from the penitentiary? A. Well, I guess about 200 feet, something about that.

Q. That is the Kings County Hospital? A. No, no; this hospital was within the walls of the penitentiary.

Q. This is the penitentiary hospital? A. This is the penitentiary hospital.

Q. In charge of the druggist? A. In charge of the druggist.

Q. And can you state when convicts are ill how they are attended to by the physician? A. When the convicts are ill they are visited, during the time I was there, he came two days or three days in the week in the morning, or about 12 o'clock, and those who were sick in the shops would call the attention of the keeper, and a line would form and the doctor would go over—say about 200 or 300 convicts would go over to see the doctor; the doctor would sit at the table and look at the convict and say "well, what is the matter?" Well, the convict would describe his symptoms and the doctor would turn around to me then and say, give him a dose of *oleum ricini*, give him a dose of *veratrum verdes* or a dose of "C. C. pills," meaning compound cathartic pills. "Next," and so on all the way through. That is the way the case was diagnosed immediately and the man was passed on.

Q. About how long did it take these 200 convicts to be attended by the physician? A. Well, start in about 12 o'clock and you get through with the 500 men—300 men I think—by half past twelve o'clock, in half an hour.

Q. Who was the doctor that did such herculean work there at the time? A. Dr. P. L. Schenck.

Q. What was his position there? A. He was supposed to be — he was the visiting physician. He came there three times a week and if there was any serious cases while I was there I telephoned to him to come; but during the time that I had charge of the hospital I never lost a man. I practiced medicine 17 or 18 years, gentlemen, at Bellevue Hospital, in the class of 1886 and '87, and I took good care of my men while I was there, and I never lost a man, but after I left, then they commenced to die like sheep.

Q. Well, you weren't there after you had left? A. No. A few days after I left, I left the hospital, I was taken out of the hospital before the expiration of my term, and immediately after leaving there went back to work again in the shops.

Q. What particular employment were you engaged in in the shops? A. First off I made 35 shirts a day according to the tasks, those unbleached shirts. Then the shirt contract gave out and we were placed upon the manufacture of pants. I made the regular task, 15 pairs of pants a day. Then we were taken off that and placed on what is called hemming in the bottom of pants. We had to hem in 85 pair a day or get locked up in the cooler.

Q. It has been testified here by Warden Hayes that the men were not immediately sent to the cooler if they disobeyed instructions regarding their work, but that they are first deprived of some of their food. How is that? A. That is not true. When I entered the penitentiary in 1892, there was a string of men under the stairs in the large hall there who were deprived of their dinners for not having performed the amount of task assigned to them. It was a moral impossibility for a man to do it in the very best of health. The consequence was the men got so weak for the want of food that the task became so that they couldn't do one quarter the tasks. Then Warden Hayes shut down on that, and when the task wasn't finished and not done, or any violation of the rules, the keeper immediately took the convict and placed him in a dark cell without any hearing or without any witness or without a word, directly from the shop or wherever the act was committed.

Q. Was there any way of communicating with the warden about that? A. You would have to wait, if it was Monday morning that you committed the crime, you would have to tell your keeper you wanted to see the warden. He would place that upon his file and leave it at the desk, and then the next Sunday, the following Sunday, one whole, long week, you would have to wait to see the warden.

Q. And what would be the interview between the warden and the convict? A. Interview, he would say, "What brought you here; I didn't send for you," and then laugh at you.

Q. Wouldn't he listen to your complaint? A. Not a particle.

Q. The warden said that he inaugurated a method of hearing complaints every Sunday, and that he would listen to all the men who had anything to complain about; you don't agree with him? A. Well, I have been to the desk and he would say, "Well, what's the matter?" "Well, I am unable to perform such and such duties, or I would like to be changed to such a place." "Well, see your keeper about it. Next!" That is the end of it.

Q. Do you recollect of the death of a convict named Donnelly? A. I do.

Q. Do you know what he died from? A. I think he died from Bright's disease, or anasarca. I saw him the day that he was—in May, 1892, I saw him outside of his cell on the piazza or corridor and I looked up at him. I saw that he was a dropsical man. His brother was alongside of me and he spoke to him and threw him up some tobacco. So the next I heard of him was that he was dead. I know of my own knowledge that he was not in the hospital, but I have heard, or his parents told me, or somebody, that they had received a letter that he got the very best of care when he died, in the hospital.

Q. While, as a matter of fact, he hadn't been in the hospital at all? A. No, he had not.

Q. Do you know whether his desires and his necessities were

neglected so far as his disease required? A. Well, the man hadn't got the proper treatment. Had he been placed in the hospital and had proper care why he might have lived a little longer, but he laid there in the cell, and there is nothing in the cell but a canvas cot, laid on the canvas cot, and that is no treatment, of course, for a man that stood near death's door, dying with Bright's disease or kidney trouble.

Q. Do you recollect the case of Richard Vaughn? A. I do, very well.

Q. What had he done, do you know? A. Richard Vaughn had been brought into the institution suffering under delirium tremens. They placed him in my charge and I nursed the man and eventually he came out of the delirium tremens very nicely, but during the time that he was convalescing the nurse in the hospital was addicted to morphine, and he had nervous symptoms and this man in his ravings got in and out from his bed, and in and out to the closet and this nurse chided him for getting up and down, "Why not be quiet?" The man of course wasn't responsible for what he was doing or what he was saying. The nurse then took hold of him and beat him with a rubber hose, small rubber hose, beat him two or three times, and I believed punched him, threw him into bed. At any rate Vaughn was taken out of the hospital and sent over to work. During the time that he was working he was continually complaining to the doctor and shaking all the time, that he was not well. The doctor said to me one day, he says, "I wonder what that man is coming here putting on that fake of shaking." I says, "I think the man is sick." All he wanted was another week or so and he would have been in proper condition to go to work, but he was taken out of the hospital before he was able to go to work. At any rate, he was getting worse and worse in the cells day after day, and I visited him, and at last he had what we call vesical hemorrhages, and I called the doctor's attention to it and then he began to see that the man was a sick man. So he

ordered him over to the hospital. That was about 5 o'clock in the evening. And the doctor ordered the men to put — he was on a stretcher, put a blanket over him and bring him over in the snow. It was snowing very hard and blowing. We got him in the hospital, and as soon as he got warm there he seemed to be easy and quiet. And I saw that the man was dying, and at 9 o'clock that night he expired. I saw Mrs. Vaughn afterwards in New York and told her the circumstances of her husband's death. She told me she had received a letter from Warden Hayes stating that he had died in the hospital and he had the very best of care and treatment and he was there all the time during his sickness, which I knew was a downright lie.

Q. Do you say that he had the best of care, or any care, doctor?

A. During the time he was in my charge he had the best of care, but he was taken away from me before the man was well, but he had very, very poor care when he was in the cell.

Q. Do you recollect the cases of Cornelius Broznan, John Farron and Thomas Nolan? A. Cornelius Broznan, John Farron and Thomas Nolan, they were all cases of typhoid pneumonia. This Cornelius Broznan was taken sick, I believe, of a Friday evening, and I was called over from the hospital to see him. He had a very high fever. I took his temperature. I think his temperature was 105. I informed the keeper in charge that this was a very sick man and I thought he ought to have been removed to the hospital, that would be the proper place for him. I called in there again and I again gave him some quinine to reduce the fever, and I further placed a belladonna plaster where he felt the pain. They sent for the doctor Sunday morning. I believe that the doctor came over the following Sunday, and he died, I don't know when, a few weeks or a few days afterwards. Now as to Thomas Nolan — Thomas Nolan he worked as assistant engineer there, aiding the engineer or fireman, and he was so weak he dropped in his cell. He was taken over from the prison to the hospital, and also John Farron, he came there in a typhoid condition.

Q. Do you know whether the public administrator ever came to the penitentiary? A. I haven't got through with this.

Q. Well, go right ahead. A. I was going to say that Cornelius Broznan, John Farron and Thomas Nolan, I attribute the loss of their lives during the time of that cold, severe winter we had; in the short-term prison improvements had been made and the large windows had been taken out or broken through, so that the inclement weather and the air and the cold and all came through that prison during that hard, cold winter; and those men were exposed to that atmosphere, and I believe this man Broznan received his typhoid pneumonia from the low condition of the food and being exposed to that inclement weather all that cold winter; those men had absolutely nothing on them but a very small blanket and on a canvas cot, snow coming in through there, the wind and the air.

Q. Do you know whether that was brought to the attention of the warden? A. I couldn't say that.

Q. How much of the time does the warden spend at the penitentiary, do you know, doctor? A. Well, the way I watched it, about 10 o'clock in the morning or so he arrives to go out and look around the prison; then, during the time that I had charge of the hospital, I was up all hours at night, and about 2 o'clock most regular every morning; it was never earlier, to the best of my knowledge, that the hall light in the main hall, coming in from the street to the penitentiary, was turned out; so I made inquiry, knowing that he was out very much at night, I made inquiry from one of the keepers and he told me he turned out the hall light—or it was told to me that it was the warden that turned out the hall light every night when he came in—although I never met him coming in, and I had access all hours of the night both to the prison and the hospital, at 2 o'clock every morning.

Q. Go right ahead. A. But, as I say, I have never met him in the morning and I never met him at that hour, but we always could tell when the warden was in when we saw that hall light turned out.

Q. When was the deputy there? A. The deputy would arrive there somewhere near 7 o'clock in the morning and go away about six in the evening.

Q. Broznan, Farron and Nolan, do you know whether their condition and the peculiar condition of the building was called to the attention of any of the keepers? A. No, I didn't call their attention to it, nor I don't know—they should have known it themselves what a pair of their convicts needed while in prison.

Q. Did you get a dose of any poison while you were there? A. Well, I was given a dose of arsenic, sir, while I was there.

Q. By whom? A. That party I don't know.

Q. How do you know you got arsenic? A. For I had the arsenical symptoms.

Q. The symptoms of arsenical poisoning? A. I did; yes, sir.

Q. Where were you at the time? A. I was assistant nurse in the hospital.

Q. And feeling the symptoms you took the necessary antidotes? A. I did.

Q. Who was the nurse that you say had the morphine habit at the hospital? A. A nurse by the name of John Sohn.

Q. There was only one nurse in the hospital? A. There was only one nurse in the hospital, and he acted as doctor, nurse and everything else.

Q. Was that a paid nurse? A. He was a paid nurse; yes, sir.

Q. In the hospital is there a male and female ward? A. No; it is a little bit of a wooden outhouse, small little wooden outhouse, with a room about 10x10 as a drug part; the rest is about, well about 25x50 feet long, containing about 11, 12, 15 or 16 beds.

Q. And those are used for hospital convicts? A. Hospital convicts.

Q. All male? A. All male.

Q. What becomes of the females who must go to the hospital? A. Well, I never came in contact much with them excepting to leave the medicine through the matron; I used to visit the matron and she

attended to all the balance; I never visited the female hospital or female sick at all.

Q. Did you ever inform any of the officials concerning the condition of this nurse? A. During the time I had charge of the hospital I notified the doctor in the prisons and the nurse—I told the doctor if they had been carrying this on so many years, men dying here for the want of proper care and proper treatment, and allowing this morphine man to be drunk in there and those men to die, that he couldn't do it while I had charge of the hospital; the doctor says "You are crazy," he says, "It is none of your business;" so I noted the matter then and there.

Q. That was Dr. Schenck? A. That was Dr. Schenck.

Q. Was the druggist there a qualified druggist? A. He was a qualified druggist.

Q. Do you know whether the nurse was a trained nurse? A. No; he acted as nurse and druggist both; never was a trained nurse there.

Q. Is there any one there competent, that is, physically and mentally competent to compound medicines for the convicts? A. Never during the time I was there; I was the only competent man that ever had charge of that place.

Q. What is the quantity of food that is given convicts generally, doctor? A. Well, in the morning we would receive about six ounces of bread and a eup of coffee; then at dinner time we would receive six ounces of bread about, and I should say, give it the full scope, a pound of meat, which had been boiled down to about one-half a pound, soup and potatoes; that would be for dinner; the meal at night would be tea and about six ounces of bread; that is what we had, excepting on Friday; on Friday we would have a fish cake and fish and potatoes and a piece of bread; that was the only change during the whole time that I was there; about 18 and 11 ounces, total amount used all day long of food.

Q. Do you consider that the amount of food given to the convicts there is sufficient for the amount of labor required from them? A. It is hardly enough to keep a cat alive, not alone a human being.

Q. Do any of the convicts grow fat upon the meals they give them?

A. Not a particle; only those grow fat who are able to buy vegetables or groceries.

Q. Are there many who did that? A. Quite a few; if it wasn't for that a great many would die; then we shared up; those who have not any visitors or those who have not any money — Mr. Smith always placed a poor convict with a rich convict, and the rich convict shared up his share with the poor convict, bought groceries and kept him alive that way.

Q. So that the desire to keep down the expense of the penitentiary in supplies, etc., does not enure to the benefit of the convicts. A. Not a particle, no; it was starving convicts to utilize the money for some other purpose in the institution.

Q. Who runs the grocery store there? A. Mr. Smith, who used to sell tobacco and what other things he had there, he looked after the groceries.

Q. Does he keep a grocery store in the penitentiary? A. No; the groceries came in from an outside grocery store; we left our orders of a Wednesday, and we would receive our groceries on a Friday—Friday evening would all be in our sell there ready and waiting for us; the amount of the grocery bill amounted, I believe several times I looked, about \$50—yes, \$50 weekly; there were some weeks that there were two orders weekly; some weeks would amount to \$75, \$80 or \$90, the orders.

Q. From the various convicts? A. From the various convicts, mine; only in the long term side; I didn't know what it was in the short term side.

Q. Do you know whether the prices charged were any higher than— A. Only a few cents some things; some little difference that the convicts were very well satisfied to pay, no matter what it was.

Q. Do you know whether this low rate of diet had any effect upon any of the convicts? A. Well, I am very well satisfied it was to com-

pel the convicts to either buy food or starve; it was done either for that purpose—

Q. Did it have any effect upon them, do you know; do you know whether any became insane? A. Oh, every month one or two became insane from the low rate of food; it was morally impossible for a man to work on the food; eventually the worriment of the task and worriment of the condition a man has been placed in there, and the worry of the keeper running after him for more and more work, and the small amount of food was so that a man—eventually they lost their mind, they didn't care.

Q. What was done with them under those circumstances? A. Well, they were placed in the cooler there and kept until the proper papers were made out and sent away to the insane asylums.

Q. Did you know of any such cases? A. Oh, I knew quite a number.

Q. What was the character of the bedding? A. What constituted the bedding of the institution was—the frame work of the bed was iron attached to the stone wall, and a piece of canvas strapped on with a rope, and then one small blanket was given, hardly the size—a small, very small blanket was given to a convict, perhaps two if he was lucky enough to have pull enough to get two, and that would last him; if he had 5 years, 10 years, whatever his sentence was, that was his blanket during the time he was there.

Q. For the five or ten years? A. Yes, sir; and that blanket, almost all the blankets, excepting of late, I saw were old; had been used, perhaps, five years before that; that constituted the whole bedding.

Q. Were those blankets ever washed, do you know, doctor? A. They never was washed, never was aired; there they stayed, stinking and rotten.

Q. Do you know whether it was the fear that the blankets would grow smaller that they were not washed? A. Well, I don't doubt but it might have been, or for the proper care and attention, looking after the men, that is what I think.

Q. Do you know that the method pursued in the use of these blankets, year after year, without washing or airing resulted in vermin in the cells? A. Well, I must say that I never saw any in the long-side term of the prison; in the short term side there was, but the long term side there was not; but the continual use of them there was a danger of the typhoid fever springing from them or arising from the germs, and at the same time the longer they became in use the thinner—absolutely a sheet was a better covering than what those blankets gave; the fur and fuz and everything else was all wore off them.

Q. Do you know whether any underclothing was furnished the convicts in the winter time? A. No; all the underclothes was taken away from a convict, and if he had any underclothes they was brought in from his people on the outside; but there never was any underclothes furnished by the institution.

Q. So that in the coldest weather he was dressed in the same way that he was in the warmest? A. In the coldest weather he was dressed with those heavy striped goods; in the summer time we had the ticking for pants, and striped coat; so that in the summer time and winter time his outside clothes was dressed the very same.

Q. Do you know whether that method of clothing the convict had any effect upon their health? A. Certainly; men were cold, and when we came to take our soup from the front kitchen window we had about 500 yards or more to go before we went to our cell to eat it, and the soup was cold and unfit for use, and we were continually cold all the time, unable to work, couldn't work fast at our work, because we were cold inwardly for the want of proper food to nourish our bodies and for the want of proper underclothing.

Q. How often did the physicians visit the cells? A. During the time I was there, I never saw the physician visit a cell except once to visit a sick man that couldn't be taken down.

Q. I mean a general visit to the cells? A. Never.

Q. Never? A. Never.

Q. And the only time that the physician sees the convicts is when they stand in line, as you have stated, and he sees one after the other?

A. Exactly.

Q. How often does the chaplain visit the cells? A. Well, the Roman Catholic chaplain, he is there very, very often; he visits the cells all times of the day and night, but I have never seen the other chaplain; he is aged and unable to mount the stairs.

Q. The Rev. Mr. Bass? A. Yes, sir; he is unable to be in harness.

Q. But he comes when he is sent for? A. He comes and does the best; without those two men the men would be in misery—in hell.

Q. What is the general condition of the cells, so far as cleanliness is concerned? A. Well, it is hard; the cells inside were full of holes, where bed-bugs accumulated, and that was at the short-term side of the prison—so that they were walking, absolutely walking, all over everything—bugs, one end of the prison to the other; and in the long-term prison, I was placed in the second tier, in the cell there, No. 26, I believe, and absolutely there was two barrels of stuff—tin cans and refuse of the groceries that the inmates had there, and everything you could think of; two barrels of stuff was taken out of the cell where I was—it took three days—

Q. When was that taken out? A. I had informed Mr. Smith to remove me to another cell, it was unfit for anybody to live there; he didn't remove me; I made another complaint and he didn't; at last I had the tier man to clean out the cell, and then I remained in the cell, whitewashed it myself, and made it fit for somebody to live in.

Q. Do you recollect whether there are any rules in the conduct of that prison or the penitentiary that are known to anybody? A. There are absolutely no rules governing either the convicts or governing the keeper; the keepers themselves are unable to know what to do, and there is no rules governing the convict; he goes to a cell and follows through the same manœuvres as some of the other convicts.

Q. When you came there were you apprised of any rules governing the conduct or the methods in the penitentiary? A. Nothing at all; I was only handed a book stating some law in regard to good conduct and shortness of time; that was all.

Q. Then you were given a book and pamphlet saying what the law of the State was referring to convicts? A. Exactly, good behavior.

Q. And how their term may be shortened by good behavior and so on? A. Exactly.

Q. But were you given or told at any time what the rules of that particular institution were? A. Not at all.

Q. Were you ever told that visitors could only come at certain times? A. Never was told that.

Q. Were you ever told what your conduct would have to be in the shop? A. No, except they might say, "If you behave yourself and do your work you will get out in a shorter time."

Q. Were you ever told what the result of disobedience would be? A. I don't remember.

Q. Do you know what the law of the State is with reference to institutions of that kind, doctor? A. I made a search of the laws, the statutes of the state of New York and statutes as I have quoted some of them, when I presented my charges to the Attorney-General of the State of New York I quoted them; I have got some of them quoted here, I believe. (Witness refers to memorandum.) Article 1, section 63, paragraph 3 of the Revised Statutes of the State of New York, volume 3—"Physician has never examined the food for the past two years that I was there."

Q. You say that the physician never examined the food that was given? A. Not while I was there.

Q. How do you know he didn't? A. Because I was in company with the physician; from the time he would strike the institution until the time he left I was in his company.

Q. Well, might he not have gone to the kitchen or to the store house where the food was and examined the food there? A. Not during the time that I had charge of the hospital; he might have before that time or after.

Q. Couldn't he have examined the food which was sent to the penitentiary without your knowing anything about it? A. Why, certainly he could.

Q. Do you recollect any violations of law besides the failure to examine the food given to convicts? A. The law specifically says the physician should examine the food, under that specification; and article 1, section 63, paragraph 1, volume 3, Revised Statutes of the State of New York, the physician should examine the cells; to the best of my knowledge while I was there I never saw him examine the cells; article 3, paragraph 90: "The fee for the removal of convicts; a yearly fee of \$3 is charged for the transfer of prisoners to court in habeas corpus proceedings"—the warden, as I understand, receives the \$3.

Q. How do you know that? A. From one or two convicts who went down to habeas corpus proceedings.

Q. And paid \$3? A. Yes, sir.

Q. Of course the convicts were permitted to communicate with their friends or the officials there, are they? A. Oh, yes, sir.

Q. And were you so permitted to communicate? A. The only time that you are permitted to write—of course I was allowed to communicate with any special person coming in; an attorney was allowed to see me at any time, but I was not allowed to—I made application to write the Governor of the State of New York with reference to my case and I was refused that legal right.

Q. By whom? A. By the warden of the institution.

Q. What did he say? A. He says, "You can write all you like when you get out of here."

Q. Do you know whether any special agent or inspector has been through the prison while you were there? A. Not while I was there to the best of my knowledge; of course I was very anxious to see one.

Q. Do you know whether anybody from that office, of the State Inspector of Prisons, representing that office, interviewed any of the convicts while you were there? A. Not while I was there, because I would have heard of those things if he did; my runners there, I had them organized to bring me all the information that I wanted.

Q. What is the longest time that you knew convicts being in the dark cells besides the 26 days you have referred to of Firman? A. Well, I believe some was there two or three days; if the keeper went to see him the second day and said, "Will you go to work?" and the convict said, "Yes, I will work;" but if the convict says, "No, I won't work," he will keep him there until he would make him submit.

Q. Be there as long as ten days, do you know? A. Yes, ten days.

Q. Longer than that, any of them? A. Well, they might have been; I didn't keep particular track of that; I had had the experience, and that is all that I wanted for my own evidence.

Q. Do you know whether the public administrator or anybody representing him was ever called upon to administer upon the effects of any of the convicts? A. Never while I was there.

Q. Those effects were immediately confiscated by somebody? A. They were immediately confiscated by somebody attached to that institution.

Q. Is there anything else that you know of, doctor, with reference to that institution that your attention has not been called to? A. Nothing more than some of the keosene —

Q. Oh, I want to ask you this, did you ever notice whether any of the convicts had been treated brutally by any of the keepers or by the warden? A. No; I must say that the keepers there, I must say, honestly, they are about the best lot of keepers that I have ever seen; they themselves are under very strigent rules, and they are very much afraid of the warden, and had it not been for the keepers sometimes using very good judgment there would have been a general riot there; and we had everything there; we were well organized there during the time I was there.

Q. Who do you mean by "we?" A. The convicts; I had all the runners there bring me all the information and keep my notes, and I had 200 rounds of cartridges, self-cocking revolver and deringers and tools, and everything was right there to hand, and the keeper's keys all hours of the night, so that I could let the twenty-two men out at any time, could have started a general riot; but the keepers were very good and kind, and had it not been for them there would have been a general riot.

Q. Do you mean to say that these cartridges and revolvers and derringers were a part of the arsenal of the penitentiary? A. Part of the arsenal of the penitentiary.

Q. Then they were not a part of the arsenal of the convicts? A. Not at all, no; they belonged to the penitentiary.

Q. You mean that they were there; that they were so that you could reach them? A. Oh, I had them there, full scope, and had them in my hands, and used them all hours, day and night, in the drawer there in the drug department.

Q. They were not administered as medicines, were they? A. Oh, no.

Q. What was the character of the diseases that were mostly prevalent in the penitentiary? A. Well, there was a great deal of typhoid fever during the time I was there, and a general breaking up of the constitutions of the convicts, for proper care and nourishment.

Q. Any consumption? A. We had consumption; of course a great many of them contracted that from being confined so many years, ten, twelve, thirteen years, etc., and as a general rule a good many of them are broken down constitutions from the effects of rum.

Q. Doctor, did you notice any evil effects of two convicts in a cell? A. Well, I noticed that two convicts in a cell, that they were planning for what they would want to do when they got out, and I have known two or three of them come back together, go out together and come back together; commit a crime; and then they would talk about all the different places they had been, and all the different places, as they would say, they twisted on and so forth; it was a very evil influence; and, again, it was well in this way, it kept a convict from brooding over all his troubles and trials and the condition in the place he was in.

Q. Do you know whether it had any evil physical effect? A. No; I didn't happen to be in contact with anybody of that kind.

Q. Whether was the one room in the cell large enough for two convicts? A. No, it was not at all; it was hardly large enough for one man; very, very small.

Conrad Miller, having been called as a witness, and duly sworn by Mr. Schulz, testified as follows:

Examined by Mr. Hirsh:

Q. Were you an inmate of the penitentiary at any time, Mr. Miller? A. Yes, sir; from July 1892, until April, 1894.

Q. You were there during the time that Dr. Taft, the last witness, was there? A. Yes, sir.

Q. And were you also an inmate of the hospital during that time? A. Well, I was, from November 22, until February.

Q. November 22, 1893, to February, 1894? A. Yes, sir.

Q. That was the time while Dr. Taft had charge of the hospital? A. Yes, sir.

Q. Do you recollect the manner in which convicts were treated there, so far as food and clothing was concerned? A. In the hospital?

Q. Yes. A. Yes, sir.

Q. What was it? A. Well, they had nothing but tickings and common unbleached muslin shirt and prison-striped clothes.

Q. How often did the physician attend the inmates in the hospital? A. Dr. Schenck?

Q. Yes. A. He came about three times a week.

Q. And in the meantime who attended to the inmates? A. Dr. Taft.

Q. Who was the nurse in charge? A. Well, there was Sohn, the druggist and nurse, but I was the nurse at night.

Q. You helped the nurse while you were an inmate of the hospital; do you know whether the nurse was addicted to the morphine habit or not? A. Yes.

Q. How do you know that? A. He was always asleep; only from what I heard from Dr. Taft that he was a morphine fiend; but he never attended to his duty; he was asleep all the time he was there.

Q. Was he ever asleep when the doctor came? A. No; he was always around when the doctor came.

Q. What time would the doctor come to the hospital? A. He used to come, sometimes 10 o'clock, 11, 12, 1, 2, 3, and 4.

Q. No regular hour? A. No, sir.

Q. What shop were you assigned to when you were in the penitentiary? A. I was assigned to the pants—where they make pants—Henry A. Rothschild.

Q. Were you given a particular task to perform? A. Yes, sir.

Q. What was that task? A. I had to press 144 pair of pants a day.

Q. You had to press them? A. Yes, sir.

Q. Now, what was said to you when you were assigned a task? A. Well, he told me—

Q. Who told you? A. The keeper told me the rules of the prison, and when I left my place I had to raise my right hand for anything I wanted; and he says, "There is a task here; we will give you so much time to do your tasks;" so he assigned me to a shop and told the instructor there to show me; so about four or five weeks I done my task; he never come and give me one, but I had it done before the time that he told me I should have them; then they put up prices; that is, a man that turns out the best and the most work gets \$2.50 and the next man gets \$1.25.

Q. Well, what does the man get who doesn't do his task? A. He gets the cooler.

Q. Did you see how men were taken to the cooler? A. Well, the keeper would come around and ask him, "Have you made the task;" he said "No;" "Well, stand under the stairs."

Q. Those were the stairs that they go up to the tiers? A. Yes, sir.

Q. And what was done when this man was stood under the stairs? A. He was searched then; his tobacco and everything taken away from him and taken to the cooler.

Q. How long would they keep him there? A. From Saturday night until Monday morning.

Q. Then what? A. Give him a ration of bread and a cup of water.

Q. Would they put him to work then? A. Put him to work

Monday morning, and they would do the same to him Saturday night again if he wouldn't have his task.

Q. How long did they keep that up? A. Well, they kept that up may be four or five times; then they take him off and put him at something else; put him probably in some other shop.

Q. Did you know this man Firman? A. Yes, sir.

Q. Do you know how long he was kept in the dark cell? A. Well, as far as I remember, it was 25 or 26 days.

Q. Did you know others kept for any length of time in the coolers? A. Well, I know people has gone in and stayed five, ten, fifteen, twenty days, but I don't know the convicts names any more.

Q. Were you ever in the cooler? A. No, sir.

Q. You always did your work? A. Yes, sir.

Q. Did you see the manner in which the convicts were treated there so far as medicine was concerned? A. Well, I don't know anything about that only that at night I was given a card to give a man his medicine at every hour or every two hours or every three hours.

Q. That was in the hospital? A. That was in the hospital.

Q. Did you know anything about the penitentiary, how men were given medicine there before they went to the hospital? A. Well, they would all stand in a row, one after the other and they would come up to the doctor and he would say, "What is the matter with you?" well he made his complaint; he turned around to Dr. Taft and said, "Give this man a dose of oil;" the next man a dose of salts, and the next man a dose of pills, and the next man a dose of oil again; so that is the way it went on.

Q. So Dr. Taft acted as druggist? A. He acted as druggist.

Q. And the men would file by the doctor one after another? A. Yes, sir.

Q. Did the doctor ever feel the pulse of a convict when they went up in line? A. Well, I don't remember.

Q. Just ask him some questions how he felt and then he would prescribe accordingly? A. That is all.

Q. Did the convicts in the cells receive any cure if they were sick before they were sent to the hospital? A. Well, yes; the doctor would

prescribe medicine for them the same as he did for me; I have been sick for about three weeks, and he always prescribed medicine for me; then he sent me to the hospital.

Q. Were you sent there at the time Donnolly died? A. No, sir.

Q. Were you there when Vaughn died? A. Yes, sir.

Q. Did you see him? A. Yes.

Q. What did he die of, do you know? A. I can't remember; I called the little doctor, Taft, when he died I was night nurse there, when he died, I called Dr. Taft and told him that Vaughn was dead.

Q. Was he in the hospital? A. Yes; he came in that afternoon about 5 o'clock and died about 8 or 9 to my knowledge.

Q. He had been in the hospital and was sent back to the penitentiary? A. He was first off, and then he was sent back to the penitentiary, and he was sent back the second time to the hospital.

Q. And did he die in the hospital or in the penitentiary? A. He died in the hospital.

Q. How long had he been the last time in the hospital before he died? A. From 5 o'clock until 8 or 9.

Q. In the evening? A. Yes, sir.

Q. So that he was there only three or four hours — A. Three or four hours.

Q. Before he died? A. Yes, sir.

Q. How long had he been away from the hospital and in the penitentiary before he was sent back to die? A. Well, that I couldn't remember.

Q. Do you recollect the cases of Brozman, Farron and Nolan? A. Yes, sir.

Q. Recollect when they died? A. No; I went out two or three days before they died; I believe they died around the last part of February; I left there the 25th.

Q. What is the character of the bed clothing? A. In the hospital?

Q. That was given; no; in the penitentiary? A. All there is is a common canvass and a blanket and straw pillow.

Q. There are upright irons that are fastened to the floor and the ceiling? A. Fastened to the wall.

Q. And fastened to the wall? A. Yes.

Q. And upon these irons— A. There is a canvas.

Q. There is a canvas roped on? A. Yes, sir.

Q. And that forms the bed upon which the convict lies? A. Yes, sir.

Q. And then for covering he has a blanket or two? A. Some has one and some two or three or four.

Q. Well, how can they get three or four? A. Well, the tierman can get it; some of the convicts give the tierman maybe fifty cents or a dollar or give him some groceries, and the tierman will steal blankets, etc., or go and see, probably some of the tiermen has more influence with the head hall keeper than what others have or like some banker comes there, or well-to-do man, he can get as many as he wants.

Q. You mean to say that any money paid to the tierman, who was also a convict, would give another convict certain privileges in the penitentiary? A. Certainly; as soon as a convict comes out he would get his blanket and that cell would be empty; that would leave an empty bed in it.

Q. Isn't the same blanket used for different convicts when one follows the other? A. Well, sometimes all the tiers are not full, and maybe seven or eight empty cells on a tier; well, the tierman can turn in four or five and give two or three to some other prisoners in the cells.

Q. So that the other empty cells, the tierman takes the blanket out and gives it to some of the others? A. Yes, sir.

Q. Did you ever know of any money paid this way? A. I don't know, but I have known people to have three or four blankets.

Q. Are the blankets washed regularly? A. As far as I know; I have been in a cell when a man has been there ten years ago, and he has come back for his second—named Delehanty—he said they have never been washed or aired.

Q. He has got the same blanket he has before? A. Might not be the same blanket, but the same blanket that was used at that time, but they never get washed or aired.

Q. Do you know whether the food given the convicts in the penitentiary is sufficient? A. No, sir; it is not.

Q. They ask for more, do you know? A. Well, they asked for more, and the warden, he has told them, well, he would give them an extra ration of bread in the morning; that was all.

Q. You worked in the pants shop? A. In the pants shop.

Q. Did you see the method that the convicts were treated in the shops? A. Well, they were treated very good; I didn't see anything only except there was one keeper there, he was very cranky; he didn't listen to you or anything else, but go right in with a stick and knock you down or take you over and lock you up and leave you over there five or six days.

Q. That is what you call cranky, being knocked down with a stick; what kind of a stick was that? A. I don't know what kind of a stick.

Q. An ordinary policeman's night stick? A. Yes.

Q. Were you ever knocked down by it? A. No, sir.

Q. You seen other convicts? A. A man that worked in front of me was knocked down with a stick.

Q. Do you know why? A. Well, he done some work and it wasn't right, and the instructor told him to do it over, and he wouldn't do it; so he went and told the keeper and the keeper come over and asked him about the pants, and he said they were all right and wouldn't do them over, and there was some words which I couldn't hear and seen him go right for his shoulder and head with a stick and he fell backwards.

Q. Was he taken to the cooler? A. Yes; taken to the cooler.

Patrick McClafferty, having been called as a witness and duly sworn by Mr. Schulz, testified as follows:

Examined by Mr. Hirsh:

Q. You are a resident of Brooklyn, Mr. McClafferty? A. Yes, sir.

Q. And were you formerly keeper in the Kings County Penitentiary? A. Yes, sir.

Q. For how long had you been such keeper? A. A little over eight years.

Q. From 1885 to 1893? A. Yes, sir.

Q. March, 1885, to May, 1893? A. Yes, sir.

Q. Were you there under Warden Green? A. I was.

Q. And you continued under Warden Hayes? A. Yes, sir.

Q. Was there any charge made when Warden Hayes was appointed with reference to the distribution of bread? A. There was.

Q. What was it? A. Well, after the prisoners would take their rations at the cook-house or in the prison of a morning there were extra rations of bread brought up to the tiers and they were distributed to the prisoners they wanted it.

Q. When was this — A. One slice, two slices or three slices.

Q. When was this? A. When Warden Hayes first took charge.

Q. This was under Warden Green? A. Under Warden Green.

Q. And that continued for some years under Warden Green? A. Yes.

Q. And you say Warden Hayes stopped that when he took charge? A. Yes, sir.

Q. How did he stop it? A. By telling the keepers not to allow the prisoners to take that extra ration; telling the hall keeper not to send it up on the tiers.

Q. Do you know whether any of the inmates attempted to take any extra rations and whether anything happened to them? A. Yes, sir.

Q. Tell the circumstances? A. Well, I know of one case, one of the prisoners in coming from the shop attempted to take two cuts of bread and the keeper told him to leave it down; he refused to do it and he was taken to the cooler and locked up; he talked to the keeper in the meantime, had a scuffle with him; the warden asked the keeper why he didn't knock his head off with a stick.

Q. Warden Hayes asked the keeper? A. Yes.

Q. Was the warden told that the arrest of the inmate was for taking bread or attempting to take some bread? A. He saw it himself from the window.

Q. Hayes was there himself at the window? A. Yes.

Q. Were you present at this time? A. I was coming down from the shop.

Q. And you heard what was going on? A. I saw what was going on.

Q. What shop were you in? A. I was in 10 shop.

Q. What was the work in that shop? A. Well, at that time it was shoes.

Q. Bay State Shoe and Leather Company? A. Bay State Shoe and Leather Company.

Q. Do you mean that was in 1885? A. Oh, no; it was shortly after Mr. Hayes came there.

Q. Did you continue in that shop until you left? A. No, sir; I was taken out of that shop and placed upon the gate, Nostrand avenue side; I remained there for a short while and then I was put back to the night work again.

Q. What are the different kinds of cells that were in the penitentiary from the time that you came there and the time you left? A. Different kinds of cells?

Q. Yes. A. Well, you mean cells for punishment?

Q. Yes. A. Well, there was one what we call the dungeon; that was beneath the ground; I should say about fifteen feet beneath the ground.

Q. And then there were the ordinary coolers or dark cells? A. The others were the lower floor, the lower tier.

Q. Now was there any way of getting any light into the dungeon at all? A. None at all, sir.

Q. Was it ever used for any purpose? A. For the punishment of prisoners.

Q. You knew it to be used for the punishment of prisoners? A. Yes, sir.

Q. What for? A. Refusing to do their work.

Q. I am referring now to the dungeon under ground? A. Yes, sir.

Q. Do you know how long any prisoner stayed in that dungeon for the maximum length of time? A. I have known some of them to be there nine or ten days.

Q. How could air get into that dungeon? A. Through a ventilator leading from the yard—small ventilator; I believe it led from the yard; I won't be certain.

Q. And what was the food that was given convicts when they were there? A. Bread and water.

Q. How many times a day? A. Once.

Q. Were there any vessels for the use of the convicts in the cell? A. Any vessels?

Q. Yes. A. Bucket.

Q. So that he would be alone with that bucket and its odors all day? A. All day; yes, sir.

Q. Would it be cleaned out in the morning—was the dungeon cleaned out in the morning? A. Cleaned after they would leave—after the prisoner would leave it the hall-boy or prisoner that takes charge of the tier, he would clean it out.

Q. How often was it cleaned out? A. Well, it was cleaned out, say the prisoner was in for five days, it was cleaned out after that; but the bucket was placed out every morning.

Q. Oh, yes, his cell door was opened and the bucket placed out every morning? A. Yes.

Q. Then the only time he could communicate with the outer world would be in the morning, when his bucket was placed out and his food was given him? A. That is all, except he would rap during the night or during the day, and the keeper might open the cell door to find out what was the matter with him—what he wanted.

Q. Would the keeper come to the door every time he heard a rap? A. Yes. most generally every time he would hear a rap he would go there and find out what was wanted.

Q. And the dark cells that were on the lower floor; how long did you know of people in those? A. Same amount of time.

Q. Were you there when this man Firman was there? A. I was there, sir; yes.

Q. Do you know how long he was in the dark cell? A. I don't; I wasn't there when he was placed in the dark cell.

Q. You weren't there after he was caught again after his escape? A. No, sir.

Q. Were you there when he escaped? A. I was.

Q. Have you known him to be in the dark cell for ten days and over? A. Well, I have known them to be there for nine days, my own personal knowledge.

Q. Do you know whether any of them were taken out by the doctor because they wouldn't live if they remained in there any longer? A. I have known cases where they have been taken out by the doctor, yes.

Q. Did the doctor state the reasons why they should be taken out? A. Yes, sir; that they couldn't stand the punishment any longer.

Q. Did you ever see any men hit by keepers? A. No, I never seen any of them hit by the keepers, but I have saw marks of the blows afterwards.

Q. Saw the marks of the blows? A. Yes, sir.

Q. But you don't know from whom they received them? A. Well, they said they received them from the keeper; that was in case of a fight at the shop; the keeper got in to separate them and they showed fight to the keeper, and he used a club.

Q. This man attempted to take the extra slices of bread, was that Wilson? A. Wilson was the man's name.

Q. Did you ever see anybody, under the orders of the warden, play the hose on Wilson? A. No, I never seen the hose being played upon any person, but I have been told about it on two occasions; one was Wilson, the other was a female prisoner.

Q. Did you see Wilson after the hose was played on him? A. I did, sir.

Q. What was his condition? A. He was all wet through, soaking wet.

Q. Dripping wet? A. Dripping wet; had a log of wood attached to his leg; he refused to pull; I think that was the reason the hose was played upon him.

Q. Had a log of wood attached to his ankle? A. Yes, sir.

Q. Do you know what that was for? A. As a mode of punishment; a new method the warden adopted when he came there.

Q. A new method; what was the hose played on Wilson for, do you know? A. Because he refused to pull the log down the yard.

Q. Was that rather a new method of punishment? A. That was a new method of punishment as far as I——

Q. Do you know what season of the year it was that the hose was played on Wilson? A. I think it was in the fall of the year, if I don't mistake.

Q. What kind of a hose did they have, an ordinary garden hose or a large sized hose? A. A fire hose.

Q. Well, that played on to a person would knock him down, wouldn't it? A. Well, I should say so.

Q. Do you recollect the circumstances of the fire in the roof of the penitentiary? A. I do, yes, sir.

Q. Do you recollect whether any prisoners jumped from the roof at that time? A. I do, yes, sir.

Q. Do you know what was the effect upon them of that jump? A. Well, I was one of those that picked them up; I thought that every bone in their body was broken; they couldn't stand; they fell limp back again to the ground; we had to carry them around the prison; that is, we carried them a portion of the way, and then placed them on one of the Bay State trucks—not Bay State trucks, one of the railroad companies trucks.

Q. Where did you find them? A. We found them in the ditch back of the penitentiary workshop.

Q. Were they able to speak? A. No, sir.

Q. And not able to stand? A. No, sir.

Q. What was done with them? A. They were placed in the dark cell, the cooler, as they call it.

Q. At whose request? A. The warden.

Q. Well, was a physician sent for? A. He was not; some of us asked if we should telephone for the physician; the warden says, "No, sir; we didn't tell them to jump off that roof."

Q. And that they would have to wait until the next day? A. They would have to wait until the doctor came there.

Q. Was there a bed put in the dark cell upon which they were laid? A. For them to lay upon?

Q. Yes. A. No, sir; they lay upon a plank.

Q. In that condition, unable to speak and unable to stand, they were laid in the dark cell the same as any ordinary prisoner? A. Same as any ordinary prisoner.

Q. No attention paid to them until the next day? A. Well, yes; I had charge that night, and I had to go down and look at them every half hour to see whether they were dead or alive; I

didn't expect they would live till morning; I wasn't told to do it, but I did it of my own volition.

Q. What was done with them next morning? A. Well, I understand they were taken to the hospital.

Q. Do you know as a matter of fact whether they ever got over the effect of that jump and that treatment? A. They did, sir; yes, sir.

Q. Do you know whether they limped afterwards? A. Yes, sir.

Q. All the time that you saw them after that they were lame? A. Yes, sir; one of them more so than the other.

Q. Well, had either of them been lame before that? A. Neither of them was lame before that to my knowledge.

Q. Was the placing of men in the cooler or dark cell the ordinary punishment for failure to perform their task? A. Yes, sir.

Q. And were they also deprived of their food? A. Yes, sir.

Q. Is that the name given in the penitentiary for the offense that a man fails to perform his task, or do they call it something else? A. That was the name given to it, but Warden Hayes has changed that; it is now "Disobeying the orders of the keeper;" I understand there is a law against having a task in a penitentiary.

Q. And there being a law against giving a particular task to a convict, the warden, although giving them a task has changed the punishment to that for "Disobeying the orders of the keeper?" A. Yes, sir; changed the name of it.

Q. Has the keeper to make out a ticket for such a man? A. Yes, sir.

Q. Are the tickets furnished to him by the warden? A. Yes, sir.

Q. Printed tickets, are they? A. Printed, yes, sir; you write the nature of the complaint in them, sign your name.

Q. And what is done with that ticket? A. That, I believe, is filed with the commitment.

Q. What do you do with the ticket as keeper; suppose a man is sent by you to the cooler for failing to perform his task, or disobedience of orders, now what do you do with the ticket? A. The ticket is given to the hall keeper and he places them on file in the office.

Q. In the warden's office? A. Yes, sir.

Q. Now, on that ticket you write the man's number, the convict's number? A. Well, they don't go by numbers there; go by name.

Q. Writes the convict's name? A. Yes, sir.

Q. And the charge that is made? A. Yes, sir.

Q. And what else? A. The time you put him in and when he is taken out; the hall keeper writes the time he is taken out.

Q. Did you ever report the disobedience of the convict to the warden before you put him in the dark cell? A. No, I don't believe I ever did.

Q. Did any of the keepers report that before they put a man in the dark cell? A. No, I can't say that they did.

Q. Then the keeper is the sole judge of the conduct of the convict, and as soon as he adjudged that he has disobeyed his orders he takes him to the dark cell? A. Yes, sir.

Q. And how long does the keeper keep him there? A. Well, he keeps him from one to ten days.

Q. Well, how does the keeper gauge the time during which he is to be kept in the dark cell? A. There is a slip on file in the prison with the name of each prisoner confined in the dark cell on it, but they generally ask to see the keeper who places them there; if they are willing to go to work he is taken out.

Q. That is to say, if the convict who is in the dark cell manifests his desire to do his work, then he is let out? A. Yes, sir.

Q. If he doesn't do that he is kept in for ten days? A. Yes, sir.

Q. Well, suppose he doesn't at the end of ten days manifest his desire to do his task, what then? A. Well, very seldom I seen—I never seen any of them people—stand in there ten days; I tell you you want to work if you possibly can.

Q. Well, does the incarceration in the dark cell for ten days fit a man particularly for hard work? A. It has a tendency to break up his health.

Q. What is done with a convict after he gets out and doesn't do his work? A. Placed back again.

Q. Sent back again? A. Yes, sir.

Q. Has that continued for any length of time? A. That continues until the doctor takes him out.

Q. Until the doctor takes him out and certifies that any further incarceration in the dark cell will kill him? A. That is about the size of it.

Q. Did you ever know that the dinner was stopped from convicts? A. Yes, sir.

Q. By whom? A. By orders of the warden and by orders of some of the keepers.

Q. Why? A. Well, for failing to do their work; sometimes they would stop their dinner and have them go back in the afternoon to work and by order of the warden stop the whole tier, one side of the prison.

Q. Why? A. Some of them shouted at him when he was giving some orders; find the man that shouted and stop the whole tier.

Q. Stop the dinner of the whole tier? A. Stop their dinner.

Q. Do you know when that was? A. I think that was in 1892; I couldn't specify the—

Q. Did you ever know of any rules of the penitentiary governing the convicts? A. No, except such rules as we give out when we receive them in the shop.

Q. You mean printed? A. That is in the olden times.

Q. What is that? A. That is under Mr. Green, under Warden Green.

Q. They were printed rules given out to the convicts? A. Well, no, verbal rules.

Q. Do you mean that every new man that was brought there was told the rules of the prison? A. Was told the rules of the workshop; he was supposed to do what the rules of the prison—by the prison keepers.

Q. Or is that under Warden Hayes? A. No, they have got a State law they read them there now.

Q. That is to say there is a printed State law that is given out to the convicts; but what I referred to, whether any rules governing the prison and prisoners are given out or told the convicts when they come there? A. Not that I know of.

Q. Do you know whether there are in fact any rules? A. I don't think there are; I never seen them.

Q. Except in the mind of the warden? A. Except in the mind of the warden.

Q. Do you know his office hours, of the warden, in the penitentiary? A. It is pretty hard to tell what his office hours are; sometimes they are from 9 o'clock in the morning, go away, he may come back to dinner, goes away generally around 6.30 o'clock in the evening, might be 3 o'clock before he would come back, three in the morning.

Q. In the morning? A. In the morning; very seldom he is there before 12.

Q. Well, does the warden live there? A. He lives there, yes, sir.

Q. Family? A. Yes, sir.

Q. Any other persons live there with him? A. There was at one time a brother of his was stopping there.

Q. Warden Hayes testified here on the stand, I asked him that question, that his brother never was there; did you ever see his brother stop there? A. I saw his brother leave there in the morning and I saw him come there at night.

Q. What is his present position? A. He is a detective.

Q. Now on the police force? A. Yes, sir.

Q. And judging from the fact that he came there in the evening and left in the morning, of course you assume that he stayed there all night? A. Yes, sir.

Q. The deputy warden, how often is he there? A. Well, the deputy warden comes there—well, this deputy warden he gets there about 6 o'clock in the morning, 6.30, leaves about 6.30 in the evening; he don't reside on the premises.

Q. What is the manner of making complaints to the warden, if a convict wants to make a complaint, do you know how it is done? A. He states that fact to the keeper, the keeper in charge, and the warden may see him at the time, or wait under general confession day.

Q. When is general confession day, Sundays? A. On Sundays, sometimes on Saturday.

Q. How are complaints made on general confession days? A. Well, that I don't know; I have never been in while they were stating their case to the warden.

Q. You never was there at the time? A. No.

Q. Well, suppose a convict has a complaint to make against the keeper, how can he make that complaint? A. Well, he is supposed to tell the keeper that he wants to see the warden and the keeper is bound to tell the warden.

Q. Suppose he does not, how can the complaint reach the warden? A. By stating his grievance to the hall-keeper of the prison.

Q. And suppose the hall-keeper is friendly to the other keeper how can he reach the warden? A. Why he has no redress whatever.

Q. Well, such cases might occur in the penitentiary? A. Such cases, yes, sir.

Q. On Sunday, what you call general confession day, can a convict reach the warden without going through the medium of a keeper? A. Without the consent of the keeper.

Q. Not without the consent? A. No, sir.

Q. There are no post-office boxes or boxes of any description in which a convict can insert a letter to the warden? A. They have that privilege, or writing once a month to outside friends.

Q. No, I am speaking now if a convict desires to communicate with the warden without going through the medium of a keeper; is there any way that he can do that at all? A. Except by note, direct a letter to the warden.

Q. Direct a letter to the warden and give it to whom? A. It is given to the keeper in the long-term prison, or short-term, as the case may be.

Q. There is no box there in which such a letter can be placed? A. There is not; their letters are not sealed until the warden reads them; they are supposed to go through his hands.

Q. You say that you saw a woman upon whom the hose had been played there? A. I didn't see it; I was told by the keeper that played the hose upon her; she was then undergoing punishment in the dark cell.

Q. Are women placed in the dark cells, too? A. Yes, sir.

Q. Is there anything else that you know with reference to the conduct of the penitentiary or its warden that you have not stated here upon the stand, Mr. McClafferty? A. Well, to say of my own knowledge—I can't say of my own knowledge, sir, that there is.

Patrick J. Kelly, having been called as a witness and duly sworn by Mr. Schulz, testified as follows:

Examined by Mr. Hirsh:

Q. You were a keeper in the penitentiary, Mr. Kelly? A. Yes, sir.

Q. During what years? A. Eighteen hundred and eighty-nine to New Year's, 1892.

Q. Three years? A. Going on three years.

Q. Then you were there during the same time that the last witness, Mr. McClafferty, was there? A. Yes, sir.

Q. Were you there before Warden Hayes was appointed? A. Yes, sir.

Q. That was under Green? A. Under Mr. Green; yes, sir.

Q. Then you were there when Green went out and Hayes came in? A. Yes, sir.

Q. What was the practice of giving food to convicts under Warden Green? A. Well, the difference that was made when Warden Hayes came there, he stopped the extra bread rations.

Q. Warden Hayes stopped the extra bread rations? A. Yes, sir.

Q. And did you see them stopped? A. Yes, sir.

Q. Just state what you saw about that? A. Well, every afternoon, after the men would be taken in from the shop, they used to get extra bread from the tiermen.

Q. What did they do with that extra bread? A. Well, they used to eat it.

Q. Take it in their cells? A. It would be handed in their cells by the tiermen, the extra bread, after they come from the shop.

Q. In the afternoon? A. Yes, sir.

Q. Now, you say Warden Hayes stopped that? A. Yes.

Q. Did you see any convict who asked for extra bread, and what was done with him? A. Yes, sir; I have.

Q. Did you see this incident of Wilson's? A. Yes, sir.

Q. What did you see about that? A. With reference to what?

Q. With reference to the bread? A. I haven't seen anything with reference to the bread as far as Mr. Wilson is concerned.

Q. Did you see any convict who attempted to take bread and what was done with him? A. I have seen them stopped when they were taking extra bread out of the windows, coming in from their work, and they were stopped.

Q. Stopped by whom? A. By the keeper that was with them—that was in charge of them.

Q. Do you know of any man having been put in the cooler by reason of asking or trying to take more bread? A. Yes, on several occasions.

Q. You knew several of those? A. Yes, sir.

Q. Well, no convict did attempt to take bread there for any other purpose but eating it? A. That is all, sir.

Q. Do you know whether there were regular tasks prescribed for the convicts? A. Well, during my time I was generally on night work; I have not been in the shops.

Q. Oh, you were not in the shops? A. No; formerly, under Mr. Green, I had been in the shoeshops for a short time, during Mr. Green's term.

Q. But after that you were on at nights? A. Yes, sir.

Q. Do you know whether there were any convicts placed in the dark cells? A. Oh, yes, sir.

Q. Do you know for what length of time they were there? A. Well, I have been told and informed from six to nine and fifteen days.

Q. And sometimes more? A. Yes, sir.

Q. Did you know this man Firman, a colored man? A. Yes; I remember him.

Q. Were you there when he was in the dark cell? A. Yes, sir; I believe so.

Q. Do you know how long he was there? A. Why he was there when I left there, continually there.

Q. How were men taken to the dark cells, directly from the shop?
A. Yes, sir.

Q. First told to stand under the stairs? A. Yes.

Q. And then taken to the dark cell? A. Yes.

Q. Did the keeper have the right to do that at once? A. Well, providing he would refuse to work or if he would tell the keeper that he was sick it was at the option of the keeper whether to believe him or not believe him, and he had the power to either take him in from the shop and lock him up —

Q. Do you mean to say, Mr. Kelly, that if a man complained to a keeper that he was sick and unable to work that the keeper would have the right, instead of taking him to a hospital, to take him to the dark cell? A. That was the rule, that he had to take him to the dark cell, no other place, at the first offense.

Q. Well, that if a man was sick, actually sick; how would the keeper know whether to believe him or not? A. Well, that was left to his own judgment; that was left to himself.

Q. Were the keepers supplied with sticks, clubs? A. Yes, sir.

Q. All of them? A. All of them, yes, sir.

Q. Did they ever use them on convicts? A. As I have seen one morning, one time, they broke ranks marching, going into the shop, and I see the keeper strike them over the leg, the men that he thought that broke the step.

Q. For getting out of step he would hit them on the leg with a stick? A. Yes, sir.

Q. Ever see them hit them in the shops? A. No; I have not, sir; I have not been long enough in the shops for to know that, but I have heard of occasions of their being struck in the shops, but I haven't saw them.

Q. Did you see the result of the blows on them, on men—any marks of blows on them? A. I have heard they had marks on, but I never saw them.

Q. Yes; you were there largely at night, you say? A. Yes, sir.

Q. Did you see Wilson when the hose was played on him? A. Yes, sir.

Q. Do you know what that was for? A. Yes; the present deputy keeper, deputy warden that is at present there, he was over Wilson in the shop at that time, Mr. James, the present deputy warden now.

Q. Was what? A. He was the keeper over this man Wilson and I was in the same shop.

Q. Well, what did Wilson do? A. Well, he went to the keeper, as far as I know, and complained that he wasn't fit to work, and the keeper told him that he would have to go to work or he would lock him up, so as far as I understand, I know that he took him into the prison, the main prison and locked him up in the dark cell.

Q. Well, what happened then? A. He was kept there till next morning, as far as I know, and then he still refused—that he wasn't fit to work, that he was sick; so in the morning Hayes come to find out the particulars about it; he said that he would adopt his punishment for to compel this man Wilson to work; he said that he would have rules of his own for to make those men do their task and do their work; so next morning he was taken out right in the yard, right on the middle of the yard, for punishment; kept him there during the day; the men, when they were going out to work, they all saw him; and he got a log, large log, about 10 or 15 feet long and tied it to his ankle by a chain, and he was put in front of the cook-house where the men used to go to their work every morning and go home at dinner, back and forwards during the day, and he was kept in that position all the day, in the middle of the yard; and he was ordered to pull the log, and he wouldn't pull the log; he said that he wouldn't pull no log; that he committed no offense and that he was wrongfully accused of committing an offense; that he was sick and that he couldn't work and that he would pull no log; so I understood the news went around that he, when he wouldn't pull the log, that the warden said that he would compel him to pull the log—that he would see why he wouldn't pull the log.

Q. Now, just a moment, Mr. Kelly; how big was this log? A. It was about 12 or 13 feet long and about, oh, it was thicker than a couple of those posts here. (Indicating balusters in the courtroom.)

Q. About 6 or 8 inches square? A. Oh, yes.

Q. And how was that log attached to Wilson? A. There was a chain tied to the log, and the chain was tied to his ankle—above his ankle.

Q. Do you know whether the warden or any keeper ever sent to the doctor to examine Wilson to see whether he was actually sick? A. No, sir; there was not.

Q. Now, after he had again refused to pull the log what was done? A. Well, the warden ordered the keeper—he is there at present now in the penitentiary—he ordered him to go and get the fire-hose from the shop where they used to keep it, and I was in charge of about 30 men in the stone-shed at the time, and he ordered this keeper, Mr. James, to fetch the horse-cart down, and they took this man from the middle of the yard and took him down and put him in front of the main prison wall—about 10 feet from the prison wall—and they stationed him there, and I was about 20 feet from him where I was stationed over the men in the stone-shed; so he was ordered to put the hose on this Wilson, the regular fire-hose; so Wilson was placed standing up in front, about 10 feet from the wall, and the water was turned on by the orders of the warden, and the water was put on this man Wilson, all over his body, head, neck, face, eyes and every position that he could do for to punish him; and he wouldn't pull the log; the deputy warden at the time, Hughes, he is dead now, he was standing by the orders of Warden Hayes—he was standing by and seeing the water poured on this man Wilson; I was about 20 feet away from him and the strength of the water knocked him down.

Q. You mean to say that the water was turned on with full force upon him? A. Full force, sir; I have been in the fire department myself, and I know what the strength of water is from a hose; so he fell down, and this man James kept pouring the water on him, and when the water would strike the ground it would make a hole in the ground as deep as you would put your foot in it; the sand and dirt and water was smothering Wilson's face, and if he didn't get up he would be smothered; so he had to get up and stand up,

and he kept on; the water was poured on for about—well, I should think seven or eight minutes; then they were stopped; the deputy warden told James to stop playing the water on, and he was drenched all wet; the jacket that he had on him was nearly torn off his back with the strength of the water, and the vest was, well, in fact, pretty near all hanging on him; so he was asked if he would pull the log; he said no, that he would not, and he put up his hands this way (indicating) to save the water from his face; and he had to get up against the wall, and if he hadn't stood up against the wall he couldn't stand at all; he was standing against the wall and put his hands up this way (indicating) to save him, and the water was going in here and all around him; so it was done three times.

Q. Played the hose on him three times? A. Yes, three times in succession; well, might be a cessation of about three or four minutes before each time; about 30 people standing by and looking at the whole thing; so after the third time was repeated, why they ordered him in; he was taken out, the chain was taken off his leg and he was taken into the dark cell and put in the dark cell that afternoon in his wet clothes, and I thought the man would drop dead by the way he was; why I thought that he wouldn't live to go in the prison; but he was kept in the dark cell all night as far as I know, and next morning he was taken out and put in the same position in the yard.

Q. The log was again strapped to his ankle? A. Yes, sir; and the warden's orders—there was another man by the name of Wilson, a long term man, he was authorized to go out, he sent him out of his cell and didn't let him go to work that morning, the warden, and asked him if he would try to coax this man Wilson to pull the log, and he sat alongside of the man pretty near half a day inducing him to pull the log, and if he pulled the log that he wouldn't be punished no more, but he wouldn't consent to pull the log, so he kept him there for as far as I know, for two or three days, and during my absence I heard that he pulled the log about a foot or two feet and then they took him in and kept him in that cell for a number of days; I can't tell how many days because I

haven't been there; I used to go home in the day time and I couldn't tell how long they kept him in the cell afterward.

Q. What become of Wilson do you know? A. Well his time was up at the time—he was there after I left—shortly after I left he left.

Q. Were you there at the time the fire occurred in the penitentiary roof? A. No, sir; I was home at the time; it happened in day time.

Q. Do you know whether any of the men that jumped from the roof were in the dark cells? A. Yes; I have heard about it.

Q. You weren't there and didn't see anything? A. No, sir; I used to go there in the morning at 6 o'clock and leave at 7 in the evening.

Q. Do you know whether the warden ever stopped the dinner of any of the convicts? A. Oh, that was done every day.

Q. What for? A. For punishment.

Q. Punishment for what? A. Punishment for refusing to work or playing sick; some of these men would say they were sick and they wouldn't be believed.

Q. You have already stated that the keeper was the sole judge whether the man was really sick or playing sick? A. Yes; it was left to the keeper; it was his option either to take him in and lock him up or report that this man was sick; so if he considered the man he would take him in and say he believed he was sick; then he would be let off.

Q. Well, under what circumstances would the warden stop the dinner of a convict? A. Through hearing that this prisoner played sick or would not work.

Q. So instead of taking him to a dark cell his dinner would be stopped? A. Yes, sir; and he would be taken out, if this happened in the forenoon he would be taken out at 1 o'clock in the afternoon without any dinner and compelled to work that afternoon.

Q. Where were the men placed when their dinner was taken away from them? A. They used to come from the shop and take their dinner at the cook house window when they would be coming into the cells from the shop, and eat their dinner in the cells.

Q. When the dinner was taken away from them and they had no dinner to eat where were they put? A. They were put in the cell.

Q. How many of them together? A. In the one cell?

Q. In the one cell, when they had nothing to eat? A. I hadn't charge of the place, but I was informed often that there was two and three.

Q. You weren't there during the day at all? A. No, sir; while I was working, Mr. Hirsh, working in the daytime in the shops, I have seen this, but latterly I was on night duty.

Q. Do you know what Hayes' hours were for being present in the penitentiary? A. Well, Hayes placed me in the hospital; I was pretty near in the hospital for about a year, and the last year I have been there I have been pretty near outside on the wall; inside and outside watching the wall; they were pointing the wall at the time; and during all the time on the wall at night Mr. Hayes used to have supper about 6 or 7 o'clock in the evening, and after that he used to go out; during my time, for about six or nine months, he used to come home every morning, he would remain out during the whole night, about 3 or 4 o'clock in the morning; I used to see him coming home generally about that time; he would be away from supper time until about 3 or 4 o'clock in the morning, every night during my time when I was watching the wall.

Q. What time did he come in the morning? A. Sometimes half past one and sometimes four, different nights.

Q. He lived at the penitentiary? A. Yes, sir.

Q. And his family there? A. Yes, sir.

Q. Do you know whether his brother stopped there at any time? A. Yes, sir.

Q. How do you know that, Mr. Kelly? A. I used to see him come home at night too.

Q. Saw him come home at night and go away in the morning? A. Yes, and he used to leave there about 8 o'clock in the morning.

Q. Do you know what his brother is doing, or what his business was? A. I understood he was a detailed officer, a detective at that time.

Q. Attached to what precinct? A. That I can't tell you Mr. Hirsch; I think it was down in Williamsburgh.

Q. How do you know it was Hayes' brother? A. Well, I knowed him; knowed him as well as I knowed the warden; his brother, after he used to leave the house in the morning he used to come out and stand in the main little out house where there was a keeper stationed there every morning with a gun, and he used to stay there in the mornings watching any prisoners that would be let out in the morning; they used to let out those prisoners that their time would be served; they used to let them out at 8.30 or 9 o'clock and he used to come around there every morning in this little house and when they would be going away he used to see who would be going away and who was not.

Q. The punishment by dark cell, was that a matter of ordinary occurrence? A. Continual.

Q. Was there ever a day when there were not some prisoners in the dark cell? A. I never heard of it, sir; there was always prisoners in the dark cells.

Q. Did you ever know of any rules governing the penitentiary? A. No rules, no printed rules whatever.

Q. Well, were there any verbal rules that were given to the prisoners when they came there? A. No, when there would be a keeper appointed there, the rules he got, he was told by the older keepers what to do, and he just done that by practice and that was all the rules that there had been there.

Q. That was an old keeper to a new keeper? A. Yes, sir.

Q. I am speaking now if a new convict came in was he told any of the rules governing the penitentiary? A. Well, I haven't been there to know; those things would be told to the clerk; the clerk used to inform them of those matters.

Q. Did you ever hear them told? A. No, sir.

Q. Did you ever know what rules were governing the penitentiary, all the rules? A. No, sir.

Q. Were there any rules, printed rules, governing visitors coming to the penitentiary? A. Not that I have known; no, sir; during my time rules to visitors, under Mr. Green's administration, why they used to come there every day, prisoners' friends.

Q. Do you know what the visiting days are in the penitentiary?

A. Well, every Sunday when I was there under Mr. Green, it was every Sunday, was visiting day, and one day in the week, and when Mr. Hayes come there it was altogether changed.

Q. Well, what was the change? A. One Sunday in the month as far as I know when I left there.

Q. And no day in the week? A. I think there was one—no, one day in three weeks as far as I know; visitors were stopped altogether.

Q. Were there particular hours fixed for visitors? A. Yes, there was from—on Sundays there was from 11.30 to 2 o'clock, I believe.

Q. Suppose a visitor came there at other hours than those, was he permitted to see the prisoners? A. During church hours if he came he wouldn't be let in.

Q. Would not be let in? A. No, sir; he would have to wait until next Sunday, the following Sunday.

Q. Did you notice the condition of the blankets that was given to the convicts? A. Well, during my time in the shop I used to take the men in, I used to see the blankets, they were all dark brown blankets and much worn and very thin; never seen any new blankets there.

Q. Much worn? A. Much worn; yes, sir.

Q. And do you know whether they had ever been washed? A. Well, looked to me like horse blankets more than anything else.

Q. Do you know whether they had ever been washed? A. Well, they looked like the one color to me, as if they wasn't much washed.

Q. Did you ever see any blankets washed in the penitentiary? A. No, sir.

Q. Did you ever know of a physician going through and examining the cells? A. No, sir.

Q. Did you ever know of a physician visiting convicts in the cells? A. No, sir; I have not.

Q. Do you recollect the case of a colored man who had been in the dark cell? A. Yes, sir.

Q. Do you know what he did while he was there? A. He was kept continually in the cell, and he got a little out of his mind and he took his clothes off one day and he wouldn't keep them on.

Q. Do you know whether he tore them off and they wouldn't give him any others? A. Yes, he tore them off and he was placed that way for over a week and they wouldn't give him any other clothes and he was in his underclothes for over a week to my knowledge.

Q. How long did that continue? A. He was there when I left.

Daniel C. Toal, having been recalled for further examination, testified as follows:

Examined by Mr. Hirsh:

Q. Have you investigated the item of hose on the schedule, Mr. Toal? A. I have.

Q. Now, will you please look at the schedule and state to the committee what you have found to be the facts regarding the item of hose? A. (Referring to schedule.) Class 58, hose, in the schedule of 1893 and 1894, contains the following items: Line 3591, fire hose, Eureka 2½ inch with coupling as per sample, 2,000 feet advertised for, bid price 60 cents a foot; line 3,592, hose, Baker fabric, G. P. & R. Manufacturing Company for garden use with connection, three-quarter inch, 500 feet advertised for, bid price 10 cents a foot; line 3,593, hose Baker fabric, G. P. & R. Manufacturing Company for garden use with connections, one inch, 500 feet advertised for, 11 cents a foot; line 3,594, brass nozzles with stop cocks for above, three-quarter inch, six advertised for, bid price 90 cents each; line 3,595, brass nozzles with stop cocks for above, one inch, six advertised for, bid price 90 cents; line 3,596, linen hose, rubber lined with couplings complete as per sample 1,000 feet advertised for, bid price

80 cents a foot; the above is an exact reproduction of the hose class in schedule of 1892 and 1893, see page 100 of that schedule, except that the prices in that year were as follows: First line, Eureka fire hose was 90 cents as against 60 cents in the following year; the second line, 10 cents as against 10 cents; third line, 11 cents as against 11 cents; fourth line, 90 cents as against 90; fifth line, 45 cents as against 90, and the sixth line 10 cents as against 80; in 1892 and 1893, the county paid for 1,100 feet of three-quarter inch hose and should have received the kind specified in the schedule, that manufactured by the Gutta Percha and Rubber Manufacturing Company of New York; 900 feet of the same kind of hose were paid for in the fiscal year 1893 and 1894, Cavanaugh & Thompson, contractors; the treasurer of the above company informs me that not one foot of any hose of their manufacture was ever sold to Cavanaugh & Thompson, and that it could not be purchased anywhere else; the engineer's requisition of September 26, 1893, calls for 2,000 feet of linen hose, line 3,596, schedule of 1893 and 1894, and his requisition of October 10, 1893, calls for 2,000 feet more of the same article, Cavanaugh & Thompson rendered a bill for the former quantity October 17, 1893, and the latter quantity October 31, 1893, and collected from the county, \$3,200 in all; the engineer's requisition of August 29, 1893, calls for 1,000 feet of Eureka fire hose, line 3,591; this was furnished and billed to the department, November 6, 1893, nearly three months after the requisition was made and after the above amount of \$3,200 had been collected; the sample of linen hose bearing the schedule number 3,596, placed there by the department of charities and corrections for the guidance of bidders was procured by me at the storehouse in Flatbush on Friday, the 27th instant.

Q. Is this the sample? A. That is the sample.

(Sample of hose referred to marked "Exhibit 35," for identification.)

On Friday, the 27th instant — submitted on the same day for ex-

amination as to the value of hose of similar quality, to an official of the Eureka Fire Hose Company, of Barclay street, New York, and to Mr. Matthew Hawe, the treasurer of the Gutta Percha Manufacturing Company of 35 Warren street, New York; the former gentleman valued it at 22 cents or 23 cents a foot, the latter at 21 cents a foot; Cavanaugh & Thompson's contract price was 80 cents a foot, and the transaction shows the following immensely profitable results for that firm: 4,000 feet, contract price 80 cents a foot, \$3,200; 4,000 feet, purchase price, Eureka Fire Hose Company's valuation, 23 cents a foot, \$920; profit for Cavanaugh & Thompson \$2,280; or 4,000 feet, contract price 80 cents a foot, \$3,200; 4,000 feet purchase price 21 cents a foot, valuation of the Gutta Percha & Rubber Manufacturing Company, \$840; profit for Cavanaugh & Thompson, \$2,360; the books of the Eureka Fire Hose Company show that the price paid for the 1,000 feet of Eureka hose was 90 cents a foot; Cavanaugh & Thompson's contract price was 60 cents a foot; so that on this item there was a loss to them of \$300; deducting this amount from the profit on the linen hose transactions would leave their profit on the three deliveries of hose, 5,000 feet in all, about \$2,000.

Q. Is there anything else that you have examined, any other record, Mr. Toal? A. No, sir; that is all at present.

Mr. Hirsh.— I thought that Dr. Taft's testimony would take probably all day. Instead of that I have been able to examine all the witnesses to-day, that I thought might take two days.

Mr. Schulz.— This committee will stand adjourned until 10 o'clock to-morrow morning.

The following is a copy of Exhibit "S," being the statement of Patrick McCanna, chief engineer:

Hugo Hirsh, Esq., counsel to the committee on cities of the Assembly of the State of New York:

Dear Sir.— In answer to questions on accompanying slip, I have prepared and presented herewith a statement in detail, as near as possible, of the repairs made and new work done for the years 1890 to 1893, inclusive, during which time I have been chief engineer of the department of charities and corrections.

The labor and material for new and general work done during the years 1890 to 1892, herewith given, is approximated, no separate accounts having been kept of the same, the several amounts chargeable to the different institutions for those years representing new work and general repairs together. All material contracted for.

Respectfully,

PATRICK McCANNA,

Chief Engineer.

Questions 2 and 5, relative to new work and repairs:

Almshouse (January to July, 1890, inclusive).— Old piazza at female almshouse torn down and new one rebuilt. Cost of material, consisting of lumber, brick piers, tin roof and painting material, about \$300; labor for same, \$200; total, \$500. Work done by department mechanics.

Roofs of both male and female buildings thoroughly repaired and interior of same overhauled and painted throughout. The labor account for these seven months amounted to \$3,504.75; the material used for same period, \$2,965.73.

Hospital (January to July, 1890, inclusive).— Old piazza torn down and new one rebuilt. Cost of material, consisting of lumber and painting material, about \$1,200; labor on same, \$1,300; total, \$2,500. Work done by department mechanics. Roof thoroughly repaired and painted, and interior of building overhauled and painted throughout. The labor account for these seven months amounted to \$2,813.25; the material used for same period, \$1,719.96.

St. Johnsland (January to July, 1890).— Roofs of buildings repaired and painted; also interior of same; also plumbing and carpenter work. New dock, also run for hoisting coal. Total amount expended for labor, \$3,121.50; for material, \$1,979.74. Above work done by department mechanics.

Asylum and annex (January to July, 1890).— Heating apparatus extensively repaired and four boilers reset and repaired. Roofs of both buildings repaired; interior overhauled and painted throughout. Cost of labor for seven months, \$3,974.50; of material, \$4,153.62.

Penitentiary (January to July, 1890).— Rebuilding workshop destroyed by fire in June. The material, consisting of lumber, brick and tin roof, amounted to about \$3,300; the labor on same, \$1,855.50; total, \$5,155.50. New storehouse, disinfecting house, also swimming bath for use of prisoners. On above work prisoners were employed, where such labor could be made use of. Department mechanics also worked on above. New shafting and fixtures added in workshops. Labor for seven months, \$391.25; material for same period, \$2,414.10.

Morgue and district office (January to July, 1890).— Thoroughly overhauled, painted and renovated. Labor for the seven months amounted to \$171; materials for the same time, \$36.27.

Water service put in all buildings at Flatbush during 1890 and 1892 for protection from fire.

Almshouse (August, 1890, to July, 1891, inclusive).— New stone shed for use of inmates in breaking stone, and new wagon shed for storage of wagons. Material, consisting of lumber, about \$400; labor for same, \$200; total, \$600. New drying-room, connected with wash-house, built, with an improved heating system. Material, consisting of lumber, steam-pipe and fittings, about \$325; labor for same, \$175; total, \$500. New range also added; cost, \$65.50. Labor for year, \$9,734.35; material used in same time, \$16,235.63. All work done by department mechanics.

Hospital (August, 1890, to July, 1891).— Old plumbing torn out and replaced with new; interior of building renovated and painted, Roof also repaired and painted. New range added; cost, \$65.50. Labor for year amounted to \$7,281.0; material used during the same period, \$7,981.02. Work done by department mechanics.

St. Johnland (August, 1890, to July, 1891, inclusive).— New workshops built for use of tinsmiths, plumbers, carpenters, blacksmiths and wheelwrights; also new soap factory. Material, consisting of lumber, steam-pipe and fittings, about \$1,600; labor for same, \$600; total, \$2,200. All cottages overhauled and roofs repaired. All work done by department mechanics. Labor for year amounted to \$16,880.68; material used, \$9,537.20.

Asylum (August, 1890, to July, 1891, inclusive).— New carpenter

shop and paint-shop built. Material, consisting of lumber and tin roofs, about \$700; labor, \$300; total, \$1,000. Two new tea and coffee urns put in; cost, \$250; also two new ranges, \$131. Heating system thoroughly overhauled and improved. Interior and exterior painted and renovated. Extensive repairs made to stable. Department mechanics. Labor for year, \$14,136.16; material, \$14,577.63.

Penitentiary (August, 1890, to July, 1891, inclusive).—Boiler-house built; also wall at northeast end of building raised. Material, comprising brick, lumber, lime and cement, \$3,525; labor on same, \$1,250. Pointing wall and setting coping (completed in 1892). Material, \$350; labor, \$5,274.74; total, \$5,597.74. Department mechanics. Labor for year, \$6,320.85; material for same period, \$9,877.71.

Alms-house (August, 1891 to July, 1892, inclusive).—Plumbing overhauled and improvements made where necessary. Labor for year amounted to \$11,877; material used, \$5,701.29. All work done by department mechanics.

Hospital (August, 1891 to July, 1892, inclusive).—Pavilion erected for imbecile children. Material, consisting of lime, cement, hard brick, lumber, paints, hardware, plumbing and tin-smithing, amounted to \$3,555.93; labor on same \$2,273, total, \$5,828.93. Crematory built for destroying garbage. Material, comprising lime, cement, brick and iron, amounted to about \$150. Plumbing and heating and other necessary repairs. Done by department mechanics. Material for the year, \$9,851.33; labor, \$10,087.50.

St. Johnland (August, 1891 to July, 1892, inclusive).—Temporary morgue built. Material, consisting of lumber, about \$150; labor, \$100. Needed repairs to all the cottages. Also new range added. Total material for year, \$8,489.22; labor for same period, \$19,794.30. Department mechanics.

Asylum (August, 1891, to July, 1892, inclusive).—Shelter at Potter's field. Material consisting of lumber, amounting to \$200; labor, \$150. Smoking house built at rear of building. Material, consisting of lumber, steam pipes and fittings, \$250; labor, \$150;

total, \$400. Roofs of all buildings repaired. Labor for the year, \$13,801.94. Material, \$9,359. All work done by department mechanics.

Penitentiary (August, 1891, to July, 1892, inclusive).—General repairs. Material for year, \$4,146.90; labor, \$3,044.75. Water heater also put in, amounting to \$225.

Almshouse (August, 1892, to July, 1893, inclusive).—New wash tubs put in and cement floor laid. Material, consisting of lumber and cement, \$200; labor, \$100. General repairs to both male and female buildings. All work done by department mechanics. A new iron fence with locust posts has also been put in front of the building, beginning at the almshouse and terminating at Potter's Field, the cost of which, including material and labor, being \$4,000. Material for the year, \$6,619.71; labor, \$9,898.

Hospital (August, 1892, to July, 1893, inclusive).—New ice house built. Material, consisting of lumber and cement, about \$200; labor, \$100; total, \$300. Needed repairs; also plumbing overhauled. Department mechanics. Material used during year, \$7,540.21; labor, \$7,770.50.

St. Johnland (August, 1892, to July, 1893, inclusive).—Repairs to all the cottages. Material for the year, \$7,792.11; labor, \$13,532.25.

Asylum (August, 1892, to July, 1893, inclusive).—New boiler house (including air duct) and chimney. Material, consisting of brick, lumber and tin, amounted to \$7,636.42. New steam heating plant. Material, consisting of steam pipe and fittings and radiators, amounted to, \$11,913.61. Labor on boiler house and steam heating plant \$15,596.25. Department extra mechanics. Materials for the year, \$40,427.40; labor, \$25,630.20.

Penitentiary (August, 1892, to July, 1893, inclusive).—New boiler house. Material, consisting of stone, lumber and tin, amounted to \$1,667.99; labor on same, \$2,029.75. Stone for same furnished on penitentiary. Material for year, \$8,973.90; labor, \$3,532. Department mechanics.

Almshouse (August, 1893, to December, 1893, inclusive).—New fire-escape at colored ward. Contract work. Cost, \$937. New church on almshouse grounds. Material, consisting of brick and

iron, lumber and tinning, amounted to \$5,435.83; labor on same, \$2,751.25; total, \$8,187.08. Needed repairs to both male and female buildings. Material for five months, \$6,976.44; labor for same period, \$6,795.50. Department extra mechanics.

Hospital (August, 1893, to December, 1893, inclusive).—New cement floor in kitchen. Material, \$80; labor, \$20; total, \$100. Elevator at rear of building. Material, consisting of brick, cement, corrugated iron, lime, lumber and water pipe, \$834.82; labor on same, \$823.50. Department mechanics and contract work, the latter amounting to \$1,500. Total, \$3,158.32. New washing machine, \$400. Material for five months, \$3,049.20. Labor, \$3,040.25.

St. Johnland (August, 1893, to December, 1893, inclusive).—Two new steam kettles, \$200; new roasting ovens, \$300. Needed repairs at all the cottages, and female cottages painted throughout. Material for five months, \$6,066.92; labor for same, \$4,298.75.

Asylum (August, 1893, to December, 1893, inclusive).—New cement floors in boiler house and yard. Material, \$400; labor, \$125; two new washing machines, \$800; balance on steam heating plant. Material, \$1,921.15. Labor, \$2,669; total, \$4,590.15. Total material for five months, \$7,435.54; labor, \$6,404.75. Department mechanics.

Penitentiary (August, 1893, to December, 1893, inclusive).—Eighty new cells (started in October, 1893, finished in May, 1894). Material, consisting of brick, stone, iron, cement, lime, steam pipe and fittings, ending, December 1893, amounted to \$1,215.32; labor for same period, \$1,336.

Question 3. Relative to new and old boilers.

When I assumed the duties of chief engineer on January, 1890, there were five boilers at the almshouse, three at the hospital, four at the asylum annex, five at the asylum, four at the penitentiary and four at Kings Park.

During the year 1890, the five boilers at the almshouse were taken out, and replaced with four new ones, the price of which, together with setting the same, amounted to \$6,230. These four are in use at the present time.

No new boilers have been put in the hospital, the three that were there in 1890 being now in use.

During the year 1893, one boiler at the asylum annex was taken out and replaced with new one, leaving four there at the present time.

At the asylum the five that were in use in 1890 are still serviceable, and, in 1893, three additional ones were put in, making eight all told at the present.

The price of the four new ones in both the asylum buildings was \$7,258.

At the penitentiary there were two added in 1891, the price of which was \$1,975, including labor and material; in 1893, the two old boilers were taken out and three new ones put in, the price of which was \$5,859, leaving seven in use at the present time.

At Kings Park the four old boilers were taken out in 1891 and replaced with eight new ones. There were six more added in 1893, making 14 all told in use at the present time.

These latter 14 were added by the board of supervisors.

QUESTION 4.—CAPACITY, STEAM PRESSURE, ETC.

Laws 1890 and 1891.

Year 1890.	Number of boilers.	Pres- sure.	Horse- power.	Hours per day.		Coal con- sumed, tons.
Almshouse	*5	45	50	....	....	1430
Almshouse	†4	....	65	18	938	2240
Hospital	3	50	80	18	616	1770
						2240
						1730
Asylum	5	50	100	18	1820	2240
						2140
Asylum Annex.....	4	45	60	18	804	2240
Asylum Annex.....	3	65	60	....	....	740
Penitentiary	1	40	30	15	1396	2240
Kings Park.....	4	70	100	24	3270	....
						1660
Year 1891.						
Almshouse	4	45	65	18	1111	2240
						1370
Hospital	3	45	85	18	684	2240
Hospital	4	....	100	....	....	1041
Asylum	1	45	60	18	1730	2240
						230
Asylum Annex.....	4	45	60	18	705	2240
Penitentiary	†2	60	65	....	....	1120
Penitentiary	*1	....	30	15	1593	2240
						1120
Kings Park.....	8	70	100	24	4392	2240
						1540

*Old.
†New.

QUESTION 4.—CAPACITY, ETC.— (Continued).

	Number of boilers.	Pres- sure.	Horse- power.	Hours per day.	Coal con- sumed. tons.
Year 1892.					
Almshouse	4	45	60	18	1212
					1120
Hospital	3	50	85	18	787
Hospital	4	....	100	....	....
					2440
Asylum	1	45	60	18	2417
Asylum	3	....	60	....	....
					1400
Asylum Annex.....	1	40	25	18	890
Asylum Annex.....	3	....	65	....	....
					2240
					1666
Penitentiary	1	60	30	15	1638
					2240
					260
Kings Park.....	8	70	100	24	6864
					2240
Year 1893.					1800
Almshouse	4	45	60	18	1214
					2240
					2060
Hospital	3	50	85	18	776
Hospital	4	....	100	....	....
					2240
Asylum	1	50	60	18	2134
Asylum	3	....	60	....	....
					850
Asylum Annex.....	1	40	25	18	845
Asylum Annex.....	3	....	65	....	....
					2240
					1034
Penitentiary	1	60	30	15	1708
					2240
					112
Kings Park	14	70	100	24	9381
					2240

[Copy.]

“ Exhibit 34.”

To the Honorable, the Board of Commissioners of Charities and Corrections of Kings county:

Gentlemen.—At a meeting of the staff association of the Kings County Hospital, a resolution was passed appointing a committee to investigate and report on certain charges against the hospital that have been made before the Assembly investigating committee as follows:

- First.—Overcrowding.
 - Second.—Uncleanliness.
 - Third.—Unsanitary condition of building.
 - Fourth.—Drunkenness and abuse of patients on the part of male nurses.
 - Fifth.—Dr. Arnold’s administration.
 - Sixth.—Night service of internes.
- The committee whose names are appended find as follows:

OVERCROWDING.

The hospital as it now stands was completed in 1865 when the population of the county was 275,000. It was intended to accommodate 300 patients at the most. This was 30 years ago and the population of the county has increased to over 1,000,000.

This hospital of 30 years ago is compelled to receive all comers, residents of the county, suffering from no matter what disease (contagious diseases alone excepted); in addition is compelled to harbor during the year over 700 pauper insane for purposes of observation and committal.

Under these conditions the population of the hospital will average daily over 700 the year round.

The building therefore is compelled to shelter more than double the number of patients it was intended to accommodate, nor can admission of patients be denied as in other hospitals to prevent overcrowding.

The hospital is overcrowded and must remain so until the authorities of Kings county, either enlarge the present building to double its size, or what the staff consider a better plan, building a new hospital elsewhere.

UNCLEANLINESS.

Uncleanliness is not an unnatural result of overcrowding, nevertheless the staff have been surprised at the cleanliness of the institution.

The wards and corridors are as clean as paint, kalsomine, soap and water can make them, as visitors can easily see for themselves.

UNSANITARY CONDITION OF BUILDING.

In so far as the location of the plumbing is concerned, the building is in an unsanitary condition, for closets and bath-rooms ought not to be in the wards, but as has been said before, the building was constructed over 30 years ago when less was known about sanitary science than at the present time.

The plumbing itself is in very fair condition apart from its location in the wards.

NURSES.

With regard to the nursing at the hospital, it is as good as can be expected under a system which does not provide for a training school.

The female nurses are without special training, and the male nurses men who drift into the hospital in search of employment and willing to work for an average sum of \$20 per month.

It is therefore not surprising if these male nurses are not models of sobriety and gentleness. This is a difficulty which is not peculiar to the county hospital. All hospitals alike find great trouble in procuring male nurses who are both competent and sober.

Hospitals as a rule have substituted for the male nurses the female nurses of their respective training schools, a few men being employed to do the rough and heavy work in the male wards; the nursing proper being done by the female attendants.

As a consequence of the overcrowding at the Flatbush Hospital, the nurses are obliged to sleep in the wards with the patients. It is manifest then that a change in the system is impossible until more room shall be provided, as female nurses can not be expected to sleep in a ward with male patients.

NIGHT SERVICE.

In regard to having a medical officer on duty at night, it may be said that the internes at the hospital are on duty continuously and answer night calls as promptly as day calls.

VISITING STAFF.

The present visiting staff have entire charge of the medical and surgical treatment of patients; Dr. Arnold's position being that of executive medical officer.

As the present staff have made during the last year over 1,600 visits to the hospital, as attested by their signatures in the staff book, it can hardly be said that the patients have lacked proper medical or surgical treatment, nor can it be said that the above statements by the staff are made without personal knowledge.

Frequent recommendations have been made by the medical superintendents and the staff association, as for example, that embodied in the report of your honorable body for the year 1894, which if carried out would remedy the deficiencies of the present county hospital.

Constantly diminishing appropriations however, have forbidden anything more than temporary repairs for a number of years.

A. T. BRISTOW,
J. T. DURYEA,
CALVIN F. BARBER,
PALMER TOWNSEND,

Committee.

JOHN C. SHAW, M. D.
J. A. McCORKLE, M. D.
J. D. RUHMAN, M. D.
J. M. VAN COTT, M. D.
GEORGE McNAUGHTON, M. D.
I. H. BARBER, M. D.
P. L. SCHENCK, M. D.
H. C. McLEAN, M. D.
HALLOCK R. MAINE, M. D.
ERNEST PALMER, M. D.
T. SCHENCK, M. D.
CHARLES JEWETT, M. D.
W. H. BATES, M. D.
WILLIAM BROWNING.
J. W. WINFIELD, M. D.
GORDON R. HALL, M. D.
HENRY H. MORTON, M. D.
ALEX. J. C. SKENE, M. D.
JOHN L. ZABRISKIE, M. D.
RICHMOND LENNOX.
E. H. WILSON, M. D.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON THE
AFFAIRS OF CITIES, INVESTIGATING THE DEPART-
MENT OF CHARITIES AND CORRECTIONS OF KINGS
COUNTY, FRIDAY, OCTOBER 4, 1895.

Present.—Hon. F. F. Schulz of the committee.

Mr. Hugo Hirsh, of counsel.

William P. Cunningham, having been called as a witness and duly sworn by Mr. Schulz, testified as follows:

Examined by Mr. Hirsh:

Q. Where are you employed? A. Board of education.

Q. As chief engineer? A. Chief engineer.

Q. And do you know Mr. Steenworth? A. Yes, sir.

Q. He is engineer of the high school, male high school? A. Boys' high school.

Q. It has been testified to here, Mr. Cunningham, that when Mr. Steenworth was subpoenaed to come to this investigation you advised him to be careful as to what he said; how did you come to do that? A. Yes, sir; I did — nothing more than I advised him in all things and all the rest of my men; he told me he was coming before this committee and I told him to be very careful what he testified, and tell the truth; that is all I had to say to him.

Q. Did anybody suggest to you to advise him in that direction? A. No, sir.

Q. You did it of your own volition? A. Yes, sir.

Q. Nobody interested in any way in this investigation suggested to you to talk with him about it? A. No, sir; that is the first word I had, any conversation with any one connected with the institution.

Lawrence Kenney, having been called as a witness and duly sworn by Mr. Schulz, testified as follows:

Examined by Mr. Hirsh:

Q. Mr. Kenney, what is your business? A. Tinsmith.

Q. And were you formerly employed in the county buildings? A. Yes, sir.

Q. Who were you appointed by? A. Appointed by Tom Kerri-gan, I guess.

Q. It was through his influence? A. Yes, sir.

Q. And it was Commissioner Gott that appointed you, was it? A. I believe it was; yes, sir.

Q. How long did you work there? A. Around four years.

Q. And did you know Chief Engineer McCanna? A. Yes, sir.

Q. Did you ever do any work in his house? A. I done a little job on his heater one afternoon.

Q. What was it that you did? A. Cleaned out his heater and put a small elbow in it, a small smoke pipe into it and cleaned out the whole business.

Q. Where did you get the elbow? A. I got the elbow in the shop, at our buildings, county buildings.

Q. It was the property of the county? A. Yes.

Q. And you worked during the day, during county hours? A. Well, half a day, about, yes, sir.

Q. Did he ask you to do it? A. Yes; he sent for me by one of his sons; sent word to me to go and do it.

Q. Did you do any work in any other body's house while you were there, Mr. Kenney? A. No, sir.

Q. At no time? A. I cleaned out Mr. Commissioner Gott's furnace after my supper, after my day's work between 7 and 9 o'clock, and he paid me for it before I left; I was in St. Johnland most of the time.

Charles Fisher, having been called as a witness, and duly sworn by Mr. Schulz, testified as follows:

Examined by Mr. Hirsh:

Q. Where do you live, Mr. Fisher? A. I live 221 Bedford avenue.

Q. What is your business? A. Boilermaker.

Q. And were you in the employ of the county for any time? A. About three years.

Q. Do you know what three years? A. I think it was 1890 to 1894.

Q. And were you employed there under Chief Engineer McCanna?
A. Yes, sir.

Q. In his department? A. Yes; I was in his department.

Q. All the time that you were there? A. All the the time I was there.

Q. Did you ever do any work in his house? A. Moved the tub.

Q. You moved a wash tub? A. Yes.

Q. Stationary wash tub? A. It was a stationary wash tub, yes.

Q. Was it while they were fixing up his house? A. I think it was after they were fixing, and were moving into the next place.

Q. What time of the day was it you were doing that? A. About 10 o'clock in the day.

Q. That was while you were employed by the county? A. Yes; but it was my day off.

Q. Do you know about any horse feed being taken from the county institutions to McCanna's house? A. I don't, only what Charles Murphy told me.

Q. What did Charles Murphy tell you? A. He said he knew oats to have been taken away from the county institution by Thompson the driver to McCanna's house; I don't know that, only what I hear.

Q. Murphy told you that? A. Murphy.

Q. Do you know where Charles Murphy is? A. Corner of Third and White avenue.

Q. What is his business? A. Feed store.

Q. Was he employed in the county institution, too? A. He was employed as clerk, I believe.

Q. As clerk under whom? A. Under McCanna.

Q. He was one of the clerks of the office under McCanna? A. Yes, sir.

Q. How did he come to tell you that, Mr. Fisher? A. Talking after we were discharged.

Q. After both of you were discharged you talked over things that had occurred in the county buildings? A. That is right.

Q. And that was one of the things that he told you? A. Yes.

Q. No talk about Colonel Gott's horses was there? A. No, sir; never heard anything, never knew he owned them until I see it in the paper.

George Steinbrenner, having been called as a witness and being duly sworn by Mr. Schulz, testified as follows:

Examined by Mr. Hirsh:

Q. What is your business, Mr. Steinbrenner? A. My profession is wood carver, but I have been cook this last 22 years.

Q. And you were employed in the penitentiary of Kings county as cook? A. Yes, sir.

Q. By whom were you appointed? A. By Colonel Gott, commissioner.

Q. And how long were you there as cook? A. About two years.

Q. What were your duties as cook while you were there. Mr Steinbrenner? A. My duties were to look after all the provisions, receive all, sign for all, and reject all, and look after the cook-house in general and look out for the help, and see everything done proper in the cook-house and the bake-house and the store-house also.

Q. What kind of help did you have employed, paid help or inmate help? A. Inmate help.

Q. Inmates from the penitentiary? A. Yes; I was the only one employed.

Q. You were the only paid employe in the county — A. I acted as head steward and cook at the time over the whole institution.

Q. And all the help that you had was the help of convicts? A. All convict help.

Q. How many helped you in that direction? A. About 18 men, that is, including those that peeled potatoes and so on; of course that all comes in under help.

Q. That is what I want to know; what did those 18 men do? A. Well, I would have to have six in the cook-house—six in the bake-house.

Q. Attending to the kettles? A. Yes; and preparing stuff; well, they generally put the cripples, those that couldn't do any heavy labor, put them in the cellar to peel potatoes or turnips and so on.

Q. And then you say you had six in the bake-house? A. Yes, sir.

Q. Did you, as cook, also have to attend to the baking? A. I would oversee it.

Q. Was there any baker there who was not a convict? A. No, sir; they was all convicts.

Q. Everything with reference to the baking, the cooking and attending to the eatables was under your immediate charge, and you as the only paid employe? A. That is all, sir.

Q. Do you recollect what the quality of the meat was while you were there? A. Well, the quality of meat while I was there was only one time it happened that the meat was bad; I rejected it and received a good hind quarter in the place of it, after telephoning.

Q. Well did you have any trouble in the matter of respecting meat or other eatables, with McCarthy, the assistant steward? A. Well, only that one occasion, as I am stating, about the meat, only threatened me, he said I should be very careful, "Young man, how you talk."

Q. Because you rejected the meat? A. I thought it kind of cheeky of him; yes, sir; that was the only trouble, but the warden wasn't aware of that at the time being, because the warden wasn't there, only the deputy warden; poor man is dead and buried now; that is Mr. Hughes.

Q. Do you recollect any rejection that you made of beans? A. No, sir; no beans—we have had beans there; they had been there I guess about six or eight years; I tried to cook them; never could get them soft; the more I cooked them the harder they got; but they were there; they had laid there; I only tried to make a different diet and give the men a different kind of meal, not one thing all the time; they rejected giving me beans; they said it wasn't on the schedule and the men wouldn't eat them; I said well, as a matter of course the men couldn't eat such beans as those; they never could

digest them; I only tried them as a test myself; there wasn't no compulsion.

Q. What was the quality generally of the food there during that time? A. The food was good.

Q. All of it? A. Yes, sir; only one time we rejected, the butcher, of course, he would send us more bone and skin than he did meat; we got rid of him pretty quick.

Q. Do you recollect the kind of fish that you had there? A. Only once.

Q. Well, you had fish more than once? A. Only the one time I had to reject.

Q. Yes; very bad? A. Well, yes; it was pretty bad; but I received fish in the place of it.

Q. You say that the fish was always good or that you only succeeded — A. Generally run, always good, generally run all the way through.

Q. Weren't you locked in there once in a month so that you couldn't get out or home? A. I wasn't locked in, but of course they gave orders to the man at the front gate not to let me out; that was just as bad; if he locked me in I couldn't attend to my duty, but he wouldn't allow me to go home and see my family.

Q. What was the cause of that? A. Well, he said I had too many friends down town in the Fourteenth ward, and if I could get out I wouldn't know enough to come back.

Q. Wasn't there also the reason that you made too many complaints about the food? A. No, sir; no, sir; I never made any complaint to anybody outside of the institution, not even the commissioners.

Q. Do you recollect soap being put in the soup that you was— A. No, sir.

Q. Nobody putting it in for the purpose of spoiling your cooking? A. There was one time that they called me in and said that I had maggots in the stew.

Q. Who said that? A. Well, that man is dead and buried now, too; that was keeper Smith in charge of the long term; I told him to produce the stew that had the maggots in; he could never produce the stew, and I wouldn't be over 10 minutes going in after the plate that was empty; they would never show me the plates; it was a put-up job for to ruin me; I found out afterward, but I couldn't ascertain the man's name, or the prisoner, that used to put a piece of meat in the sun and create maggots, and then put them in the stew to blackmail me.

Q. There was a man who would put meat in the sun to create maggots and then put them into the soup? A. Yes; in the long term; I was told so by three or four prisoners that was living there, but I never could ascertain the man's name; it stands to reason that no such thing as maggots exists in soup, or any kind of stew that will boil two hours and a half.

Q. That is, they wouldn't be alive after that time? A. No, sir; but they called me down twice on that; twice they called my attention to having maggots in the stew.

Q. That was the same keeper, Smith? A. Yes, sir.

Q. That was the man that sold the oil to the convicts? A. Yes.

Q. What did you do during the month that they wouldn't let you out? A. Well, I done the best I could; go to bed early; that was the only place I could go.

Q. Did you have a talk with the warden at all during that time? A. No, sir.

Q. Or he with you? A. No, sir.

Q. Or with Hughes? A. Well, Mr. Hughes, once in a while used to let me out unknown to the warden; Mr. Hughes had that privilege; he let me out one time, and Mr. Hayes found it out and he took the authority away from Mr. Hughes, and Mr. Hughes couldn't let me out any more, so I was detained altogether.

Q. Did you know any man who worked for you who was put in

the cooler? A. A young fellow, I couldn't tell his name, from Flatbush, was put in the cooler for hitting another man in the bake shop one day.

Q. How long was he kept there? A. I know he was kept over six days, six days till they took him out, and somehow, the way I understood it, when they asked him out he wouldn't come out and they put him back again.

Q. And stayed there for how long? A. I know when the man come out—he was a young man—he couldn't hardly see or couldn't stand on his pins.

Q. Do you recollect whether he was there as long as 10 days or not? A. I couldn't say whether he was over 10 days.

Q. What did you do with him, carry him out? A. Had to carry him out and put him on his pins; couldn't see.

Q. Couldn't see; nearly blind? A. Well, I suppose for a day or two he was blind; then his sight come back.

Q. What kind of men besides cripples did you have to help you in the cooking? A. Well, they would always give me short term men you know; wouldn't give me no long term man; afraid of an escape.

Q. Were any of the men demented or partly so? A. No; not in the line of cooking, only those that peeled the potatoes and so, down in the vegetable cellar.

Q. Those that you had peeling potatoes were half demented? A. Well, half crippled you know.

Q. They had to have knives to peel potatoes with? A. They had knives.

Q. Was it a dangerous thing to give them knives Mr. Steinbrenner? A. We had to keep watch on them pretty well; more dangerous in the cook house than they would be down there with them little knives that we give them to peel potatoes.

Q. Well, did you see any action on the part of these men that

made it dangerous to be there with them? A. According to that, sometimes I would get a man just after getting over the horrors, very dangerous, I had to watch that man more than anybody else, because when I was cutting up my meat I had the cleaver and carving knives there, and many a time took and put their point against their breast and I had to jump in and interfere and send them away as quickly as possible and lock them up.

Q. Were any repairs made to the cook house when you wanted them? A. Well, there was repairs made there, that is in the line of putting up pipes, new flues.

Q. Did the warden give you what you wanted in the shape of repairs and so on? A. Well, no; whatever I would order, that would be the last of it.

Q. Well, he wouldn't give it to you, do you mean? A. Well, it seems he couldn't get it done when he ordered it.

Q. Weren't the improvements carried out as you wanted and needed them? A. No, sir.

Q. Did you ever make any complaint to the commissioners about that? A. I did not; I didn't like to go to the commissioners over his head; I made a complaint to him and recommended my improvements I wished to have, and I couldn't get them; he would order them but he never got them; I suggested a chopping board; I had a chopping board and they kind of thought there was maggots in the stew; now it stands to reason gentlemen if you take and chop on a piece of spruce, it naturally splinters it up and creates sawdust, there ought to be a maple plank to cut meat on; well, I happened one day to see some, and I went in and called his attention to it, and I says, "Here, now you have been talking about maggots in the stew; now I suppose you call that maggots;" I just happened to catch on this.

Q. What was it you caught on to; what did you see? A. I saw sawdust coming off the plank where the meat is cut, see.

Q. That was sawdust— A. From the plank where you cut the meat off.

Q. Which would necessarily get mixed up with the meat? A. Well, I was over a year, and I don't think they have got one out

there yet; and I ordered the plank, and I asked them—six months after there was some hard maple wood come in, and I asked the carpenter, and the carpenter says, “Go on up now, there is plank up there;” I went down and I said, “That maple plank has come at last, has it?” he went down; “Well,” he said, “We will see about it;” so come to find out the maple plank was for the tailor shop and not for me, so he said, “You will have to wait till that tree grows, and after that tree grows we will get you a plank and make you a board.”

Q. You didn’t wait long enough in the penitentiary until the tree grewed? A. Well, no; I don’t think that tree is planted yet.

Q. Do you know whether the people in the storehouse have better supplies than the others? A. That I could not say; I never was over in the storehouse.

Q. Do you know whether they pick out the best food and send the rest over? A. That I couldn’t say.

Q. Never knew that? A. No, never was out to the storehouse as long as I was out there.

Q. Did you make the requisitions on the storehouse or to the warden? A. Would make out the requisitions on the storehouse and send it to them, they to the head storehouse where McLaughlin and—

Q. The stewards department of the penitentiary is directly under the warden? A. Under the warden, yes, sir.

Q. Does he make weekly reports to the commissioners? A. Yes, he makes a weekly report, the warden does.

Q. But does he make a weekly report to the commissioners? A. The steward makes a report of their own.

Q. To the warden? A. Yes.

Q. Makes no reports to the commissioners? A. No, sir; got nothing to do with the commissioners.

Q. Everything in and around the penitentiary is directly under the warden? A. Under the warden.

Q. Doesn’t come in contact directly with the commissioners at all? A. Who, the steward?

Q. Any of them, anybody? A. No, sir.

Michael Murphy, having been recalled for further examination, testified as follows:

Examined by Mr. Hirsh:

Q. What is your business? A. Carpenter.

Q. You have been a witness here before haven't you, Mr. Murphy?

A. Yes, sir.

Q. You were one of the carpenters who testified to doing work on Colonel Gott's house? A. Yes.

Q. You also did work on McCanna's house? A. Yes, sir.

Q. What was it? A. Put on a front door lock.

Q. Is that all? A. I think I put on some new base moulding on the front stoop.

Q. Don't you recollect still doing something else on the inside of the house, Mr. Murphy? A. No, sir.

Q. Sure about that? A. I took measurements for some screens but I never made them.

Q. You went through the house and measured for them, didn't you? A. Yes, I measured the openings, but I didn't make them.

Q. And all this was done while you were employed by the county? A. Yes, sir.

Q. Do you recollect when this was? A. No, sir.

Q. What year? A. May have been 1893; I couldn't say.

Q. Were you there alone at McCanna's house during this time or was there some one with you? A. I was alone.

Q. How often did you work there? A. Twice.

Q. And this work was done during the day, while you were employed by the county? A. Yes, sir.

Q. McCanna paid you for it? A. Well, in a way; yes.

Q. How? A. (No answer.)

Q. How? A. Well, he didn't pay me money; he offered me money and I wouldn't accept it.

Q. What did he pay you in? A. Well, I don't know; do I have to answer that?

Q. Why yes; it is one of the things that we want to find out, Mr. Murphy; you are still employed by the county, ain't you? A. Yes, sir.

Q. I want you to answer? A. I don't know as I can.

Q. Why? A. (No answer.)

Q. You are not afraid? A. No, sir.

Q. Just state what was said and done by McCanna; we want to know it? A. There wasn't anything said or done any more than to—had a couple of beers, I suppose.

Q. What was that? A. I couldn't answer that question, counselor.

Q. Why not? A. Because—I said he paid me in a way; I don't know as I have said right, because he didn't pay me at all.

Q. Now, you yourself said that he paid you in a way; now, you characterized whatever he did as a payment, in a way; now, tell us what he did? A. Well, it was a foolish remark of mine; I meant that—I said that he paid me in a way—I meant that he was good enough to take me across the street and buy me a few drinks or a couple of cigars or anything like that.

Q. That is all; but not in any other way? A. As far as payment is concerned, no, sir; I got no payment.

Q. The only pay you got was from the county for the time that you spent there? A. That is all.

Q. Do you know whether there was any plumbing done in Mr. McCanna's house by county employes? A. No, sir; I do not.

Q. No other county employe was there with you at the time you did the work? A. No, sir.

Theodore Steenworth, having been recalled for further examination testified as follows:

Examined by Mr. Hirsh:

Q. You have been a witness here before? A. Yes, sir.

Q. Were you ever discharged from your employment in the county buildings? A. No, sir.

Q. Mr. McCanna testified as follows: I asked him, "Q. You know Steenworth? A. Yes, sir; got him discharged. Q. Why? A. He didn't do his duty properly." Is that true? A. No, sir; I never was; that is an untruth.

Q. Where were you employed when McCanna was there? A. At the county buildings.

Q. I know, but what county buildings? A. The hospital.

Q. And were you transferred from the hospital to the penitentiary? A. Yes, sir.

Q. And after you had been at the penitentiary were you discharged? A. I never went over to the penitentiary; I resigned.

Q. You resigned, and then were appointed where you now are? A. Yes, sir.

Mr. Schulz.— This committee will stand adjourned until Monday morning at 11 o'clock at the penitentiary.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON THE
AFFAIRS OF CITIES, INVESTIGATING THE DEPART-
MENT OF CHARITIES AND CORRECTIONS OF KINGS
COUNTY, HELD AT THE KINGS COUNTY PENITENTI-
ARY, MONDAY, OCTOBER 7, 1895.

Present — Messrs. Schulz, Whittet, Chambers, Cole and Keenholts,
of the committee

Mr. Hugo Hirsh and Mr. Willard Pladwell, of counsel.

William Helmns, having been called as a witness and duly sworn
by Mr. Schulz, testified as follows :

By Mr. Hirsh:

Q. You are a keeper in the Kings county penitentiary, Mr. Helmns?

A. Yes, sir.

Q. Have been such for how long? A. Over 17 years.

Q. Continuously? A. Yes, sir.

Q. What business were you in before that? A. Well, just previous
to that I was idle some six months; no business.

Q. And before that? A. I was in the district-attorney's office
under Winchester Britton.

Q. Then you have been constantly in the penitentiary under the various administrations of Mr. Green, Mr. Shevlin and Mr. Hayes?

A. Yes, sir.

Q. Do you know the treatment that is received by convicts in the penitentiary? A. Well, as a general thing I do not.

Q. Well, what do you mean really by that, Mr. Helmns? A. Well, I am not present at all times when there is charges preferred against convicts.

Q. You have been present at some times? A. I have been; yes, sir.

Q. What are the duties of the keepers — what are your duties? A. My present duties?

Q. Yes? A. To see that prisoners conduct themselves properly going through the shops, going to and from the shops.

Q. And in the shops? A. Well, I am in and out the shops, yes, sir; I am not confined to any particular shop.

Q. Are you stationed in any of the shops? A. No, I am not stationed at any particular shop.

Q. Then you have no charge over any convicts who are at work in any of the shops? A. No, sir.

Q. Have you ever been? A. I have been, yes sir.

Q. When? A. Well, probably, some fourteen years ago.

Q. Not since Mr. Green or Mr. Hayes have been warden of the penitentiary? A. I was under Mr. Green when Mr. Green first came here a warden; I was then in charge of a shop.

Q. But under Mr. Hayes you have not been in the shops at all? A. Well, I have not been in charge of any shop, that is, except a day or so at the time in the absence of some other keeper.

Q. Your particular station is in the yard where convicts go to and from their work? A. In the hall, yes, sir.

Q. Are there any rules in the penitentiary governing convicts? A. Yes, sir.

Q. What are they? A. Well, in what way do you mean, in going and coming into the prison or while in the prison?

Q. I mean what rules are there governing the convicts in the penitentiary; the rules of the institution; are there any? A. No written rules that ever I—

Q. Are there any rules, Mr. Helms? A. There are rules that—when I came here I patterned after other keepers; I never saw no posted rules, no printed rules.

Q. Are there any rules governing the institution? A. I don't know of any.

Q. How often are visitors allowed to come to the penitentiary? A. They are allowed to come every Sunday, every holiday; I don't know of any other except through permits.

Q. Well, isn't there a regular day once a month besides every Sunday? A. First and third Fridays.

Q. Oh, yes, first and third Fridays in the month? A. yes.

Q. And every Sunday? A. Every Sunday.

Q. And on holidays? A. On holidays, yes, sir.

Q. And in addition to that where they have a permit from one of the commissioners of the department? A. Yes, sir.

Q. What are the rules of the department, or if there are none, what is the custom regarding the permission given to convicts to write letters or to receive them? A. That all passes through the office, the warden's office.

Q. Any letter that is received passes through the warden's office, is that right? A. Yes, sir; that is, so far as I know—I am not in the office and for that reason it is a question I couldn't answer.

Q. You don't know anything about it? A. No, sir; I know nothing about that directly.

Q. So, so far as that is concerned, you know personally of no rule?
A. Concerning letters?

Q. Yes? A. Nothing more than what has been the custom.

Q. If a convict hands you a letter that he has written what do you do with it? A. The convicts get their stationery from the office through the keeper of the hall, and the letters that are written by convicts are turned over to the hall keeper and the hall keeper is supposed to turn them over to the office.

Q. Are all letters sent by convicts at the places addressed delivered there or are some of them kept in the office? A. That is a question I couldn't answer.

Q. Don't know anything about that? A. I know nothing about that part of it.

Q. Are convicts informed of the rules governing the sending and receiving of letters? A. That I couldn't say, because I am not a hall keeper; it is the hall keeper that handles these matters.

Q. Yet you say you are stationed in the hall? A. That is, I am not a prison hall keeper; it is the prison hall keeper that handles those matters; I am at the hall, in the workhouse, in the shops—

Q. Have you ever been present when convicts have been received in the penitentiary? A. Yes, sir.

Q. Did you ever hear any rules stated to them governing their conduct in the penitentiary? A. No, sir; that is given them afterwards, after they are received.

Q. How do you know? A. It is supposed to be given after they are received.

Q. Did you ever hear them given at all? A. No, sir; not direct from the office; my business is not at the office, so I have no opportunity of hearing.

Q. How about the receipt of delicacies, tobacco, and so forth—can convicts receive those things? A. Yes, they do receive them.

Q. They do receive them—how? A. Through their friends that bring them into the prison—their packages are brought by their friends into the prison, and the prison keeper inspects them and then they are turned over to the convicts.

Q. Have you ever been present when visitors have given delicacies, tobacco or cigars, to any of the inmates? A. Direct?

Q. Yes. A. I have seen them—they have a wire screen—the prisoner is on one side and the visitor on the other; I have seen them when they have attempted to pass them over the top of the screen, and I have stopped them myself.

Q. Was anything done to a visitor who attempted to do that? A. No, sir—only cautioned, and they would make the excuse they didn't know it was against the rules.

Q. There are no rules posted up anywhere Mr. Helms? A. I don't know of any.

Q. Either regarding the visitor or convicts? A. Yes—there is a notice posted up here at the door regarding visitors.

Q. That is when they can come? A. When they can come—yes, sir.

Q. But that is all? A. That is all.

Q. What are the general punishments inflicted upon convicts in this penitentiary? A. Dark cell.

Q. Is that all? A. That is all I know of at present except a case here some little time ago—a man had a log that he dragged—by a chain.

Q. Is that all? A. Well, I have been told—I don't know—no, I don't know of any other; I know of nothing more than from hearsay, outside of what I stated.

Q. Did you ever know that the hose was played upon any convict while you have been here? A. I have seen that some time ago—yes, seen a hose played upon a convict once.

Q. When was that? A. Several years ago—I can't tell you exactly.

Q. How many years ago? A. I couldn't say.

Q. Two or three years? A. It is probably three, or four, or five years ago, may be, may be longer.

Q. It was during the administration of Mr. Hayes, wasn't it? A. Yes, sir.

Q. Is that a usual punishment? A. No, sir.

Q. Why was that done? A. I don't know.

Q. You saw it done you said? A. Well, I don't know why it was done.

Q. You saw it done? A. I saw, yes.

Q. Did you hear why it was done? A. No, sir.

Q. Never knew anything about it? A. Well, no, I don't know why it was done; I don't know why they played the hose on him.

Q. Do you know who the man was upon whom the hose was played? A. His name was said to be Wilson, here under the name of Wilson.

Q. Did you see the hose that was used at that time? A. Well, I wasn't close by.

Q. You know it was one of the fire hose of the penitentiary? A. That I couldn't say, whether it was or not.

Q. Is there any small hose, do you know, about the penitentiary at all? A. Yes, sir.

Q. Do you know whether it was the small hose or large— A. I couldn't say which it was, sir.

Q. Do you know whether it was the fact or not that Wilson was knocked down by the force of water when it was played on him? A. That I don't know.

Q. You don't know? A. No, sir, I do not.

Q. Weren't you there during the entire time that the hose was played? A. I was nowheres near him; I was at a distance.

Q. Is that the only time you knew of water being played on a convict? A. I can't call any other time to mind.

Q. Isn't it a fact that the same thing was done to a woman convict in this place? A. I don't know.

Q. Do you mean by that that you don't remember? A. I mean to say that I don't know.

Q. Well, what do you mean by saying you don't know? A. I don't know whether a hose was ever played on a woman or not; I never was present when it was so.

Q. Did you ever hear of it being done? A. I have heard it spoken of here of late.

Q. You say the dark cell is the main punishment? A. Yes, sir.

Q. You have been here when there was besides the dark cell a dungeon, wasn't you? A. Yes, sir.

Q. How many feet under ground was that? A. I couldn't say; it might have been six feet.

Q. Might it have been ten? A. I think not, sir.

Q. Was there any light in it at all? A. Not when the doors are closed.

Q. And how did the air get in? A. I am told there was a ventilator; I never inspected it.

Q. Ventilator through the top into the yard? A. I am told there was a ventilator, but where it was I don't know; I never inspected.

Q. Were you ever in it yourself? A. I was down to the foot of the stairs.

Q. Never was in the cell, yourself? A. No, sir.

Q. Have you ever been in the other dark cells? A. Not the present ones—no sir.

Q. How many dark cells are there in the penitentiary? A. I don't know; I think from nine to ten.

Q. How long are prisoners kept in there? A. That I don't know.

Q. Have you never been informed? A. Well, would that be evidence from hearsay?

Q. Yes; I am asking you what your best information is regarding the punishment in this penitentiary; you, who have been here 17 years? A. I don't know how long they have been placed there.

Q. You have never been informed? A. I may have heard different ones speak of different lengths of times that men have been kept there, but I paid little or no attention to them.

Q. You mean then, according to your own knowledge, you have not seen within the dark cells men daily so that you can tell how long they were kept, that is what you mean? A. Yes, I mean to say that I am not in charge of the dark cells, and for that reason I couldn't say.

Q. What has been your information regarding the length of time men have been kept there? A. You want me to say now what I have heard?

Q. I want to know what you have been told regarding the punishment? A. I have been told they have been kept there from 5 to 10 days.

Q. Any longer than that? A. I don't know that I have ever heard of anything longer.

Q. Did you ever know a colored man who attempted to escape here? A. Yes, sir.

Q. You know what his name was? A. A man by the name of Firman did escape.

Q. Did escape, yes, and was caught? A. Yes, sir.

Q. Do you know how long he was kept in the dark cell? A. I do not.

Q. You never heard about that? A. I heard of his being placed in the dark cell, but how long he was kept there I don't know.

Q. You never heard how long he was kept there, Mr. Helmns? A. I don't know that I did.

Q. Will you say that you did not? A. Yes, I will say that I don't know how long he was kept there.

Q. That is not what I asked you, Mr. Helmns; I asked you whether you will say positively that you were not informed how long he was kept there? A. I was not informed how long he was kept there.

Q. It has been testified to upon this investigation that he was kept there 28 days; is that so, do you know? A. I don't know, sir.

Q. There had been several that had been kept in the dark cells for

10 days. A. I have heard of them being kept there for 10 days; yes, sir.

Q. What is in the dark cells besides the walls that you know of?

A. Well the present dark cells I couldn't tell you anything about them; I have never been in them, not near enough to tell what they are; they have got the dark cells on the other side of the prison and I never pay any attention to them.

Q. You don't know what is in them? A. I do not.

Q. Do you know how frequently they are cleaned? A. That I do not.

Q. For what cause is this punishment of the dark cell inflicted, Mr. Helmns? A. I don't know.

Q. Are you quite sure you don't know? A. Well I don't know for this reason, that I have no cause to inflict punishment or make complaints about the men, haven't had.

Q. Do you mean to be understood, Mr. Helmns, that you have been here seventeen years— A. Yes.

Q. And you know that there are dark cell? A. Yes.

Q. And you have seen men, or one man, have the hose played on him, and you have seen others with a log tied to their legs, and you don't know what the punishment was inflicted for? A. I did not see a man with a log tied to his leg; I have not been asked that question.

Q. Didn't you say that that was the character sometime ago of the punishment, when I asked you what was the character of the punishment, didn't you mention that in effect? A. About a man—log chained to a man?

Q. Yes. A. I think not.

Q. Are you sure about it? A. I think not.

Q. But you did say so Mr. Helmns; what did you mean by saying it? A. Saying what?

Q. That that was one of the kind of punishments formerly in use here? A. You asked me if they were punished in that way; I said there was one case of that kind that I knew of.

Q. And do you say that that was the only case you ever knew, one case of a man with a log tied to his ankle? A. I know of two.

Q. You did know of two? A. Yes.

Q. Don't you know any more than that? A. No, sir; can't think of any more now.

Q. Now those two, with the knowledge that there are dark cells and people in them, and a man and perhaps a woman who had the hose played on them for some sort of punishment, and yet you don't know what it was inflicted for? A. I do not.

Q. Never heard about it? A. Well, no, I don't know what—this woman I know nothing about, never knew anything about the hose being played on a woman.

Q. Is that all you want to say, Mr. Helmns? A. I have got nothing further to say.

Q. I am asking you whether you ever heard for what any of the punishment was inflicted? A. This man Furman, his punishment was inflicted, I think, for escaping from the place.

Q. What about Wilson? A. I don't know what the charge was against him.

Q. For what are people placed in the dark cells? A. Charges preferred against them, different things.

Q. What things? A. Violating some rule or another.

Q. But you say that the rules are not known; now what are the rules that the men violate that they don't know? A. I didn't say that the rules were not known.

Q. Well, you yourself said that you didn't know them? A. You asked me if there were any posted rules.

Q. No, you will excuse me; I asked you nothing of the kind; don't misunderstand me or else you and I will disagree, Mr. Helmns; I asked you, and I will ask you again, if you misunderstood me, whether there are any rules of this institution; if there are tell me. A. I know of none posted.

Q. I didn't ask you anything about their being posted; you are making the qualification and I won't have that; I am asking you whether you know of any rules governing this institution? A. No, I don't know of any.

Q. Now, leaving out the "posted"—I didn't asked you that, and you have now answered it; now, you have just said that convicts were placed in the dark cells for violating some rules; I want to know what rules they can violate if there are none to violate? A. Well, I don't know what they are placed there for.

Q. Do you know whether convicts are given certain tasks in the shops? A. Only from hearsay.

Q. Well, let us see if it is only from hearsay; you were formerly employed in the shops yourself? A. Well, that is years ago, yes, sir.

Q. And during that time they were given tasks? weren't they? A. Yes, sir.

Q. So far as that is concerned you knew it of your own knowledge? A. At that time, yes.

Q. And you know now from general report in this institution? A. From general report.

Q. That they are given tasks? A. Yes, from hearsay.

Q. And you know also that if they fail to perform those tasks that is a subject of punishment, don't you know that? A. I suppose they are punished for that.

Q. You are not anxious to testify here, are you, Mr. Helms? A. Well, I don't know.

Q. You are an old employe of this department and you are not anxious to testify? A. No, I don't know what you want to get at, judge.

Q. Well, you are not anxious to testify; that is true, isn't it? A. I am not anxious for notoriety, that is certain.

Q. No, it is not a question of notoriety at all; the committee of the Legislature wants to get at certain facts concerning this institution

among others, and we want to get from you what you know ; are you giving me all that you know, Mr. Helmns ? A. I can't give you any more.

Q. How is the food and clothing that is provided here for the convicts ? A. What do you mean ?

Q. The quality and quantity of it ? A. The quality of it I don't know ; I am not a judge of such things, clothing.

Q. Do you know how the food is ; are you a judge of that ? A. I know they get good bread.

Q. Good meat ? A. Appears to be.

Q. Well, is it ? A. I don't know ; I never inspected it.

Q. Do you ever eat—do you eat yourself ? A. I do when I feel like it, if I can get it.

Q. And you clothe yourself ? A. Now, all I know about the food is what I see the men carrying by me in pans ; what the quality of it is I can't say.

Q. Of course you have never heard any complaint about the food, have you ? A. I don't know that I have ; I have heard them speak well of it—prisoners.

Q. Did you ever hear them complain about any change being made when Mr. Hayes became warden regarding the quantity of bread that was given ? A. No, sir.

Q. Never heard that ? A. No, sir.

Q. Do you know whether Mr. Green gave more bread or extra rations of bread to the men than Mr. Hayes did ? A. I do not.

Q. Never heard that ? A. No, sir.

Q. Just tell us, Mr. Helmns, what you do from the morning that you come here to the evening that you leave ? A. Do what, sir.

Q. What you do in this institution ? A. What I do from the time I come here in the morning till the time I leave ?

Q. Yes. A. Well, after the bell rings for the men to prepare for the shops, I go over ahead to the shop and open the doors, and I am

there in the hall until the men all get in—get to work; then if there are any boxes or anything come, why I attend to them and send orders wherever they are to go, and attend to the men that assist in loading and unloading, and so forth; then I relieve keepers, when necessary.

Q. Is that all? A. That is about all—yes, sir.

Q. Anything to do with the men when they leave the shops in the evening? A. Oh, yes; see that they go out and get in line—I order them down in companies, and when one gets a start, gets under way in the yard, I order others down to follow and fall into line; I remain there until they are all out and then I lock up for the night.

Q. What stick have you got in your hand? A. That is a cane I carry for convenience to help me along—I am a little lame.

Q. Are there any sticks that the keepers carry? A. Yes, sir.

Q. Similar to that? A. They are not as large as that.

Q. Ordinary night sticks that policemen use—about the same size? A. I think they are smaller.

Q. How long do you stay in the shop after the convicts get in there in the morning? A. I remain there all day.

Q. In the shop? A. In the shop and in the hall and around.

Q. Then you see the treatment that the convicts receive in the shops, don't you? A. Yes, sir.

Q. Did you ever see any convicts beaten in the shops by a keeper? A. I have seen them where men have been fighting, I have seen the keeper separate them.

Q. Separate them? A. Yes.

Q. Is that all? A. He had to use force to separate them, yes, sir; I have seen where they used force to separate them.

Q. How much force? A. Strike them with a stick.

Q. On the head? A. Never see any struck on the head.

Q. Where did you see them struck? A. About the arms and body.

Q. Never saw any convicts struck on the head for anything, did you? A. I don't remember seeing them.

Q. Did you ever see a convict shot by a keeper here? A. No, sir.

Q. Never saw anything of that kind? A. No, sir.

Q. You are sure about that? A. Yes, sir.

Q. Did you ever hear that it was done? A. Oh, I have heard of it being done—heard of shooting at them.

Q. When convicts are to be punished have you ever seen the keepers telling them to go under the stairs? A. Yes.

Q. You have seen that done? A. Yes.

Q. Do you know why it was done? A. I have known them to stand them under the stairs until the men were all come in.

Q. Then what would be done with them? A. Then they would be placed—reported to the office and placed—

Q. In dark cells? A. In dark cells; yes, sir.

Q. Well, the keeper in the shop has the right to place them in the dark cell, hasn't he, for disobedience? A. I think they generally report it to the office.

Q. Do you know whether they do or they don't? A. I think they do, sir.

Q. That is, every man is reported to the office before he is placed in a dark cell? A. I think so.

Q. Do you know anything about it? A. Well, I don't know; no, I don't know, because I don't bring them over myself.

Q. Are there any tickets issued to keepers on which they must write the name of the man and number of the cell and punishment inflicted? A. Yes, I see slips made out by keepers and sent to the office to that effect.

Q. The keeper then is the judge of whether the man ought to be punished or not, is he not? A. I don't know; if he sends the charge to the office I suppose the office sanctions his complaint; I don't know; that is, if the man is punished.

Q. You never know of a man being taken to the office and tried before he was punished and taken to the dark cell, did you? A. No;

but I have known them taken to the office or reported to the office and the man sent to his cell ; that is, I have known from hearsay.

Q. Do you know whether the quality of the food now is any different than it has been in any former years? A. I do not.

Q. You don't sleep in the penitentiary, do you, Mr. Helmns? A. Yes, every third night.

Q. Where do you live when you are out of it? A. I live at 185 Varet street, eastern district.

Q. Every third night you sleep here? A. Yes, sir.

Q. Why do you do that? A. The order of the warden.

Q. Whose place do you take at that time? A. Nobody's.

Q. There are always a certain number of keepers that sleep here?
A. A certain number of keepers here that remain here over night.

Q. Where do you sleep? A. Sleep in the room opposite here.

Q. Then you don't sleep in the prison proper? A. No, sir.

Q. Did you ever see the warden punish anybody? A. No, sir.

Q. Is there anyone now in this prison who is dragging a log? A. I don't know of any.

Q. Well, would you know it if it existed, Mr. Helmns? A. I might, might not.

Q. What are the hours of employment for convicts? A. The rule is—

Q. I am not asking you what the rule is—I want to know actually the hours when they go to work? A. They get in the shop about 20 minutes past 7, all the men.

Q. When do they begin to go to the shops? A. Maybe from 2 to 5 minutes past 7 when they start.

Q. And they all get there 20 minutes past 7? A. Probably 20 minutes past 7.

Q. And they work until what hour? A. Work till 20 minutes to 12.

Q. Twenty minutes of 12? A. Yes, sir.

Q. Do they all stop at that time or do they begin to stop at that

time? A. They all stop at that time—suppose to stop at that time—I don't suppose any of them works after the hour for stopping.

Q. And then how long do they stop? A. They stop until 10 minutes to 1; then they are rang up again.

Q. That is, you give them an hour and 10 minutes for lunch? A. It takes them the 20 minutes to get in the prisons, and they rang up again at 10 minutes to 1, and they get in the shop probably from 12 to 15 minutes after 1, all the men.

Q. And they work then how long? A. Quarter-past five they stop.

Q. So a man does about 10 hours labor? A. No, they don't labor no 10 hours—they labor about 4 hours and 40 minutes, perhaps, in the morning, and in the afternoon about 4 hours, 4 hours and 5 minutes perhaps.

Q. How do you make that out? Ten minutes to one they start in again and leave— A. It is about a quarter-past 1 when they get in the shops.

Q. And then to a quarter-past 5, that would make 4 hours? A. Quarter-past 5, 4 hours.

Q. But they start in at 10 minutes to 1? A. Rung up at 10 minutes to 1, yes, sir; and they start coming down off the tiers.

Q. Do they all go to work at the same moment or different times? A. It takes them some 20 minutes to get in the shops from first to last.

Q. Some get in earlier and some later? A. They go in companies.

Q. Well, some companies get to their shop earlier and some later? A. They all go in rotation, one after the other; there will be a space, smetimes, maybe 100 feet between companies; it takes them fully 20 minutes from the time they leave the prisons to get to the shops and ready for work.

Q. So there is about 8 hours and 45 minutes of actual work? A. Well, less than that; not over that at any rate, now, at the outside.

Q. Do you know what the tasks of the various convicts is in the various shops? A. I do not.

Q. Are there any female instructors employed in any of the shops?

A. Yes, sir.

Q. What shops? A. It is a shop on the top floor, and there is one female instructor, now, in the shop on the lower floor.

Q. What is the employment there? A. I don't know what they are termed—calico goods they make up there—that is, it appears to be calico goods.

Q. In both shops where there are female employes? A. Yes—I believe they call them waists.

Q. You are not married, are you, Mr. Helmns? A. Yes, sir.

Q. From the manner in which you speak about what they manufacture, I didn't know that you were? A. I think that is what they are called.

Q. Do you know anything about the habits of convicts, Mr. Helmns, their habits? A. In the shops?

Q. No, in the cells? A. I do not.

Q. Never saw them in the cells? A. Oh, I have seen them in the cells—yes, sir.

Q. Do you know whether the having of two convicts in a cell is good or bad for them? A. I don't know anything about that part of it.

Q. Do you know whether having female instructors for convicts has any effect upon them? A. I don't know anything about that.

Q. Are there any convicts in the penitentiary who do not work? A. I don't know as—there are them, I suppose, that is disabled—not able to work.

Q. Well, do you know anything at all about it, Mr. Helmns? A. I do not; I don't know anything about the outside convicts—outside of the shops.

Q. What facilities are there for bathing in the penitentiary for convicts? A. They have a bathing apparatus there.

Q. The old boiler house, the old gas tank? A. Gas tank, formerly was.

Q. And how often is the water renewed in that gas tank? A. I don't know.

Q. Did you ever see any of the convicts bathe in it? A. They are taken over by keepers in gangs; I never was one that took them over.

Q. Did you ever see any of the convicts bathe in it? A. I have seen them stripped and in; didn't stop to look any length of time, just passing it.

Q. Do you know whether the water is changed at all in there? A. I don't know nothing about it, except from hearsay, if you want me to give you that.

Q. Yes, you can give me that? A. I have heard it was changed.

Q. Changed once a year or once a month or what? A. Oh, frequently during the day while bathing.

Q. You have heard that, have you? A. Yes, sir.

Q. How many go in the bath at one time, do you know? A. I think it is 24; that is one of my duties in the hall on bathing day; they come down in the hall, and they are sent down, and I receive them; I head them and wait until the keeper comes down, and usually there is 24; sometimes it may happen that a shop may have 2 or 3 short and they go with 21 or 22, as the case may be.

Q. So a squad of 22 or 23 or 24 goes down? Twenty-four is the average number; yes.

Q. Strip there and all go in together? A. Yes, sir.

Q. And then when they get through another squad goes down and strips and goes in again? A. Yes, sir.

Q. And does that continue all day? A. No; until they get through takes probably five or six hours.

Q. Do you know whether those five or six hours the water is changed? A. I don't know anything about that part of it, but I am told as I say, if you wish me to give you that, that the water is changed frequently.

Q. Are they furnished with soap? A. That I don't know; they

are furnished with soap in the shops; whether they have it over at the tank or not, I don't know.

Q. Do you know how frequently deaths occur in the penitentiary?

A. I do not.

Q. Don't know anything about that? A. No, sir.

Q. Did you know Owen Donnellon and his brother, both dead; they died here? A. No, sir.

Q. Never knew them? A. No, sir.

Q. Never heard of them? A. I don't know about that; I don't know them; don't remember the circumstance.

Q. Do you recollect, you were speaking about Wilson upon whom the hose was played, what was done with him after the hose was played on him? A. I do not know.

Q. Din't hear about that either? A. I don't know what was done with him.

Q. You didn't hear about what was done with him? A. No, sir; I think the following day he was out in the yard with—

Q. Did you see him? A. I think the following day I saw him in the yard with a log chain.

Q. Do you know whether there have been any suicides in this institution? A. No, sir.

Q. Never heard that? A. No, sir.

Q. Never heard of a man having been placed in a dark cell and then been found dead hanging in the cell? A. No, sir.

Q. Well you ain't around where anybody says anything, are you Mr. Helmns? A. Well I don't hear a great deal.

Q. Has anybody spoken to you about this investigation? A. They have not.

Q. Nobody spoke to you a word? A. No, sir.

Q. Did you know that this committee was to be here and investigate? A. I saw in the paper they were to be here.

Q. What paper did you see it in? A. I don't know; I read the

World, I read the Herald, I read the Williamsburgh Times, Eagle ; I may have seen it in one of them ; most likely I did.

Q. Nobody has made any suggestion to you that it wasn't necessary to know anything unless you saw it yourself, has there? A. There has not ; I would be apt to give a man a very short answer that should approach me in that manner.

Richard Connor, having been called as a witness, and duly sworn by Mr. Schulz, testified as follows :

Examined by Mr. Hirsh :

Q. How long have you been keeper here? A. About 24 years—23 years.

Q. Grown gray in the service? A. Yes, sir.

Q. Continuously during that time? A. No, sir; I was out of here about a year and eight months.

Q. When? A. 1881.

Q. From 1881 to 1883? A. Eighteen hundred and eighty-one to 1882, latter part of December in 1882.

Q. Mr. Connor, do you know what punishment is inflicted upon convicts in this institution? A. They inflict some ; yes, sir.

Q. What is it? A. Why for talking in the shops.

Q. What is the punishment itself? A. The punishment would sometime be to stop their dinner or stop their supper.

Q. What else? A. If they continue it why we lock them up.

Q. In the dark cell? A. Yes, sir.

Q. What do you say it is inflicted for? A. For talking in the shops.

Q. Is that all? A. For other things.

Q. Yes? A. For fighting or anything else.

Q. Do you mean to say a man is taken to a dark cell for fighting in the shop? A. Yes, if he don't stop it.

Q. Is he ever taken to the dark cell for failing to perform his task?

A. Yes, sir.

Q. Can you tell what the various tasks are in the various shops?

A. I can speak for my own shop, sir.

Q. What shop are you in? A. Mail bags.

Q. That is the McNulty contract? A. Yes, sir.

Q. What is the task there? A. On some work we have 80 bags for a day's work; on the machines, some 70 bags; on the larger machines it is 200 bags for a day's work.

Q. All run by steam? A. By steam; then at ringing it is 30 bags a day.

Q. And then if a convict doesn't do that task what do you do to him? A. Well, sir, we don't—if a man couldn't perform it, don't think he could perform it, why we don't punish him.

Q. How are you to judge that he can't perform it? A. Well, by looking at him, see him work.

Q. Suppose he don't want to perform it, how can you tell by seeing him work? A. You can see him in the lay off, he don't do it, other men alongside of him will work and do it.

Q. And you as the keeper in the shop are the sole judge whether a man is refusing to do the work or doesn't possess the ability to do the work? A. We can judge a man, what he can do.

Q. I say you are the judge of that? A. Yes, sir.

Q. Have you ever found it that you have misjudged a man? A. No, sir; not very often.

Q. Well, does it ever occur? A. It might have occurred with one or so.

Q. That you would judge a man could do it, a certain amount of work, and yet he does not, and does it honestly, fails to do it honestly? A. The way we do it, we start in the first day, what he does of his work, say he will do six bags the first day, we raise him one a day until he gets up to 30; we don't put him in to force it; some men have never done 30.

Q. Well, have you punished them? A. No, sir.

Q. Why didn't you punish them? A. Because it wasn't in them.

Q. How would you know it wasn't in them? A. Because age handicapped them, may be a little old.

Q. Age handicapped them? A. Yes, sir.

Q. Now what are the best working ages in the penitentiary? A. Well, from 18 to 30.

Q. Well, suppose you take a man at 25, do you expect the same amount of work from all men at 25? A. Pretty near, sir, yes, sir.

Q. So granted that a man is 25 years of age, in fair health, and if there are 25 men of whom the same thing can be said, that they are of that age and in fair health, you demand of them the same amount of work? A. Yes, sir.

Q. Regardless of whether their intelligence will permit them to do the same amount of work, their age and health is the standard from which you judge? A. Oh, no, sir; a great many of them; if not a bright fellow, and we think there is anything wrong, we get them out of the shop.

Q. But if you don't get them out of the shop you expect them to do the work? A. No, we have got a man over there now that don't do it.

Q. Why? A. Because it ain't in him.

Q. Didn't you say it wasn't in them because he was handicapped by age? A. We allow that for old people I said.

Q. But you do— A. I don't class the whole of them as such.

Q. But you do allow something for youth, do you? A. Oh, certainly we do.

Q. So you mean that there is no cast-iron rule which compels all men of certain age and health to do a certain amount of work? A. No, sir; there is no rule.

Q. Who does the gauging of that, the keeper? A. The which, sir?

Q. Who gauges the amount of work each man is to do? A. Well, it is laid down and we get instructions for to see this work is done.

Q. Well, but who says it shouldn't be done, who makes the limit on the various people there, the keeper? A. Yes, I guess he is the one.

Q. So you are the man in your shop who must judge the men, whether you will let them off with less or with more, is that right? A. Pretty near, sir.

Q. And if you conclude that a man can do a certain task and won't do it, you have him punished? A. Yes, sir.

Q. What do you do the first time when you find a man won't perform the work. A. Talk to him, and tell him that he is short and try to make it easy with him; talk to him two or three times and if he won't do it why take him over here and lock him up.

Q. You take him to the dark cell and lock him up? A. Yes, sir.

Q. And you take him there yourself? A. Yes, sir.

Q. Right away? A. In the evening, yes, sir.

Q. After the days work is over? A. Sometimes; sometimes before.

Q. Do you report that to anybody? A. Yes, sir; make a report to the office of it.

Q. By slip? A. Yes, sir.

Q. Upon which you have written the man's name and his punishment? A. Yes, sir.

Q. And you report that after you have taken him to the dark cell? A. In some cases; in some cases I report him at the office first.

Q. Well, tell me the case that you have ever reported to the office first, Mr. Connor? A. Where I think a man ain't fit to do it, couldn't do it, and go into the office and explain it.

Q. Why do you punish a man whom you know isn't fit to do it? A. Well, they ain't all punished; I don't say they are all punished isn't fit to do it.

Q. But if you think a man is fit to do it you punish him? A. Yes, sir.

Q. And you make your report after you have done it? A. Well,

no, make the report at the office first, report him to the warden or the deputy warden.

Q. How do you report him? A. Why, sometimes in the shop, sometimes in the office.

Q. You mean to say that you make a report to the office or shop first, to the warden or deputy warden, before you take a man to the dark cell? A. Yes, sir.

Q. Always do that, do you? A. Yes, sir.

Q. Sure about that, eh? A. Yes, sir.

Q. Now, what do you do when you go to the warden or deputy warden with such a report? A. Well, sometimes I go over and look at the man, and sometimes the warden when he visits the shops, when I have got a man that can't do it, I will explain it, and if he ain't fit to do it he takes his name off and puts him in another shop, outside gang or something.

Q. Now, understand me; I am getting on the subject of punishment now. You say you report every man to the warden or deputy warden before you take him to the dark cell, do you? A. Pretty near, in every case I do.

Q. Well, do you in every case? A. Well, I won't say every case I do.

Q. Then there are cases that you take the men at work yourself to the dark cell? A. I have done that.

Q. Well, isn't that the customary thing to do here? A. I am speaking for myself here. Other people I don't know. Each shop is partitioned off by itself.

Q. Isn't that the customary thing for you to do when you have determined that a man is to be punished, that you take him to the dark cell, isn't that so? A. No, we take him into the hall.

Q. Put him under the stairs? A. Yes, sir, and the inside keeper searches him and he is locked up.

Q. Well, it is immaterial. The very moment a man goes under the stairs, that is a sign he is to go in the dark cell. It is immaterial

whether you or the inside keeper takes him there. Is there any other character of punishment here, Mr. Connor, besides the dark cell? A. No, sir, there ain't.

Q. Has there ever been any other kind? A. Yes, sir.

Q. What kind? A. Why we used to whip here, cowhide.

Q. That was under Shevlin's administration? A. Yes, under McNeely and Cunningham both.

Q. But it wasn't under Green? A. We used to under Green too.

Q. Did you under Hayes? A. I never know it to be done under Hayes.

Q. But you used the hose here? A. Yes, they used the hose here I believe; I didn't see it.

Q. You didn't see it? A. No, sir.

Q. You knew of it? A. Heard of it, yes sir.

Q. How often has that been done? A. All that I heard of was done in the yard by a man named Wilson.

Q. Is that the only time you ever knew the hose to be used? A. That is all.

Q. You ever heard of it being used at any other time? A. No.

Q. Sure about that? A. Oh, I might hear of it lately about using on a woman, but I didn't know of it.

Q. Have you ever been in a dark cell? A. Yes, sir.

Q. Seen what is in it? A. Yes, sir.

Q. What is in it? A. A pail and cup and water.

Q. That is all? A. That is all; a bucket.

Q. And the prisoner lies upon the bare floor? A. Either sits on the bucket or on the floor.

Q. Well I am speaking now so far as furniture is concerned. There is nothing there but a bucket and a cup. A. That is all sir.

Q. He hasn't a chair or a cot or a blanket? A. No, sir.

Q. And that is the same thing in winter or summer? A. Yes, sir.

Q. Do you recollect what is done with Wilson after the hose was

played on him? A. Yes, sir. He was taken that evening and put in the black cell.

Q. And in the condition he was in, all wet and bedraggled, he was taken in just that condition and put in a black cell, wasn't he?

A. Yes, sir.

Q. Have you ever seen men after they have been in the dark cell for a few days, how they looked? A. Certainly I have.

Q. How do they look? A. Don't look much different than before they went in.

Q. Don't they? A. No, sir.

Q. Have you ever been in the dark cell for any length of time yourself? A. No, sir.

Q. Never been in for an hour, have you? A. No, sir.

Q. Do you consider it is conducive to the health of a convict to be placed in a dark cell? A. No, I do not.

Q. How long are they kept there, do you know? A. Well, it is according to what they do.

Q. I know that. I mean how long, what is the longest time and what is the shortest time you have known them to be kept there? A. Ten days.

Q. Well, sometimes they are only kept there a day, ain't they? A. That is all, sir.

Q. As soon as a man says that he is willing to do the work, or try to do it, they let him out, isn't that it? A. Yes, sir.

Q. And they keep him there ten days or longer if he is obstinate? A. No, sir; that is not right.

Q. What then? A. Not as I know of about the work, they don't do that with him, they take them out and try them again, if a man ain't working they will put him back again, may be.

Q. What do they keep a man there ten days for? A. For fighting, may be, or something else.

Q. Not working, failing to work? A. And refusing to work.

Q. Did you know Furman? A. Yes, sir.

Q. He escaped, didn't he? A. Yes, sir.

Q. Do you know what was done with him when he was caught?

A. Why he was put in the black cell.

Q. How long was he kept there? A. That I couldn't tell.

Q. Why is it that your memory — A. Because I wasn't in the prison, and we don't have anything to do with that. It is the inside keepers does that. The shopkeepers know no more about that prison than you do, much.

Q. Well, do you know that men are kept there for 10 days? A. I speak of myself.

Q. And you have put them there and kept them there, have you?

A. Yes, sir.

Q. But as to any other shop you don't know anything at all about it? A. No, sir.

Q. Did you ever see any men dragging a log behind them? A. Yes, sir.

Q. Who was it? A. Wilson and Furman.

Q. Do you know what Wilson was punished for? A. I think it was refusing to work. I don't know. I think it was that. I don't know.

Q. And Furman because he escaped, is that right? A. That is right.

Q. Did you ever know any convict to be hit with a club or hammer? A. Yes; for fighting.

Q. And did you know any convict shot here? A. No, sir.

Q. Heard of it? A. Heard of it, yes.

Q. For fighting? A. No, for hitting a keeper, I believe.

Q. Hitting a keeper with a hammer? A. Yes.

Q. Did you ever hear of the convict here, the colored man, who tore all his clothes and was left to run naked in his cell, a colored man? A. No, sir.

Q. Never heard of that? What was the character of the food and clothing here? A. Well, about the same as it has always been here.

As far as the clothing is, I have never seen no change in the clothing since ever I came to the penitentiary.

Q. Is the food any better than it was a couple of years ago? A. Well, I couldn't say.

Q. Do you see these convicts who go to the bath? A. They leave my shop. We give them to another keeper. Another keeper comes after them. We give them in twentys or twenty-fours to take over to the tub.

Q. This bath tub is an old gas tank, isn't it? A. Yes, that was the old gas tank.

Q. And they go there in squads of 20? A. Twenty-four.

Q. Do you know how often the water is changed in that? A. No, sir.

Q. Do you know Owen Donnollon and his brother? A. Yes, I know both of them.

Q. Do you know what they died of? A. Why Owen Donnollon is alive yet.

Q. When did you see him? A. I think I see him on Myrtle avenue.

Q. Did you know his brother? A. Yes.

Q. Do you know what he died of? A. I couldn't tell you what he died of. He died here, his brother.

Q. Died in his cell? A. That is what I understood.

Q. Face all swollen? A. Well, I didn't see him, sir, and I couldn't tell you how he was.

Q. Did you ever hear what he died of? A. I think they said kidney trouble, or something.

Q. Do you know whether he was attended by a physician? A. That I couldn't tell you, sir.

Q. Do you know whether there were any suicides in the penitentiary? A. Eight of them.

Q. Eight of them? A. I heard that.

Q. Do you know what they were for? A. No, sir, I couldn't tell you.

Q. Did you ever see any of them after they had committed suicide? A. I see a fellow jump off the tier in the long-term prison.

Q. When? A. Oh, some years ago.

Q. Did you ever know of any suicide lately? A. I heard tell of it.

Q. Didn't see him? A. No, sir.

Q. Didn't see him after he was taken out of his cell? A. No, sir.

Q. You don't think that confinement in a dark cell for any length of time is apt to lead to suicide, do you? A. Well, I couldn't say that, sir.

Q. Do you know of any rules governing the prison? A. Well, I couldn't say of any printed rules or anything.

Q. Well, are there any rules that are stated to them, or to any convict when they come in? A. Yes, sir. There is rules this way. They tell them what to do in the shops when they come over there, The instructor.

Q. That is given to the convict when he enters the shop? A. When he enters the shop. My shop, I of course instruct him.

Q. Tell him what he has got to do? A. I instruct him the rules of the shop, to hold up his hand if he wants anything, give him a place in the line he is forming line in, show him where he drinks and washes, water-closet and everything else in the shop. If he wishes to see the doctor to notify me and I will get him here.

Q. Anything else? A. And no talking in the shops.

Q. Now do you say anything else to them? A. That is about all; that is the instructions.

Q. Do you tell him then how he can reach the warden? A. Yes, sir.

Q. What do you say how a convict can see the warden or make complaints that he wants to? A. Can see him every Sunday.

Q. You state that to a convict do you? A. Yes, sir.

Q. Well, how can he see the warden every Sunday? A. Why he reports to the keeper he wants to see the warden.

Q. Reports to whom? A. He comes and tells me, any of my men does that wants to see the warden, and I take his name in and give it to the inside keeper.

Q. Now suppose, Mr. Conners, that you have a quarrel with a convict and you don't like to do anything that he wants you to do, and he tells you he wants to see the warden, and you refuse to tell the warden that he wants to see him, has he any other remedy? A. Well, I have never had a case of that—

Q. I understand that Mr. Connor. I understand that you do your duty here, I am not questioning that, but I am stating to you a case. Suppose you had a quarrel with a convict who is under you and you don't want to do anything to please him and you don't want him to make a complaint against you can you prevent it. A. Me, no, sir.

Q. Why not? A. Why if he wants to see the warden or anybody, if he comes to me he can see me.

Q. But suppose you won't let him see the warden, what then? A. I never refused that.

Q. But couldn't you; you would have the physical power to prevent it, wouldn't you? A. Oh, I might not give his name in, certainly, if I wanted to do that.

Q. If you wanted to do it you can prevent a man under your charge from seeing the warden? A. No, sir; he can go to the inside keeper then and ask him.

Q. But if you have a combination with the inside keeper, he couldn't do it then? A. I don't know as it has been done that way.

Q. I am not asking you that it has been done—just listen to me a minute. It is possible to do it that way, isn't it? A. It might be worked that way if a keeper is mean enough to do it.

Q. The only object I have in asking is to know how it is that these things are done and it is done through the keeper and the inside keeper, isn't it, that he communicates with the warden, isn't that so? A. Yes, sir.

Q. And if those two men, the keeper and the inside keeper, are opposed to him and want to prevent him seeing the warden it so can be prevented if they are bad enough to do that; that is true, isn't it? A. Well, then he could see him himself in the shops when the warden would be coming through. He could see him in the shops.

Q. And that is another way, if the warden comes through the shop, that the convict holds up his hand? A. Yes, sir.

Q. And would the warden go to see him? A. He will entertain him.

Q. Would the warden go to see him or the keeper? A. The warden; he would go to the warden.

Q. Is there any way that a convict can communicate with the warden by letter? A. Not that I know of, sir.

Q. Now, from what I have stated to you, that there might be a combination between the keeper in the shop and the inside keeper, don't you think it would be better to have letter boxes in various portions of the penitentiary so, if a convict had a complaint to make, that he could drop that complaint in that letter box and let the warden get it himself? A. Well, I don't know if it would. They do hear every Sunday, each prisoner got the privilege to make complaints if he got any complaints. They can complain to the chaplain here.

Q. Oh, yes. Then aside from the keeper, the chaplain is also one to whom the prisoners can speak and make their complaints?

A. At any time to the chaplain.

Q. How often does the warden visit the shops? A. Every day, sir.

Q. Visit them all? A. I guess so, yes, sir.

Q. You speak of your own shop, comes into that every day? A. Very near every day, sir.

Q. How often does the chaplain visit the shops? A. He comes once a week, sometimes. Most every Tuesday.

Q. There are two chaplains here, are there not? A. No, sir, one ; Mr. Bass.

Q. Isn't there a priest who also comes here? A. Oh, yes, he comes here ; he is here most every day.

Q. What is his name, Father — A. I can't think of his name now — Father Vitter.

Homer L. Bartlett, having been called as a witness and duly sworn by Mr. Schulz, testified as follows :

By Mr. Hirsh :

Q. Doctor are you connected with this institution? A. I am, sir.

Q. In what capacity? A. Visiting physician.

Q. And you have been so connected with it for how long? A. About ten years, altogether.

Q. During all those years as visiting physician? A. During all those years as visiting physician.

Q. And, as such, how often do you visit the institution? A. I frequently come every day ; always three and four times a week.

Q. Who is the resident physician here? A. Doctor Frank B. Bergen.

Q. And is Dr. Schenck also connected with the institution? A. No, sir ; not at present.

Q. He was formerly? A. He was ; yes, sir.

Q. As what? A. The same position that I had.

Q. Visiting physician? A. Yes, sir.

Q. Do you come here at any regular hours, or do you come at irregular intervals. A. I am generally here at regular hours.

Q. What are those hours, doctor? A. I generally come here at 9 and am here until about 11 on Mondays, Thursdays and Saturdays.

Q. And where is your office, doctor? A. In Flatbush.

Q. So that three days in the week two hours each of those days, you are here regularly? A. Yes, sir.

Q. And you are upon call by telephone or otherwise when you are

needed? A. Yes, sir; telephone right to my office and communicate with me. Where we have serious sickness I come every day.

Q. What has been the general health of the institution, of the institution? A. The health has been very good indeed, sir.

Q. What classes of sickness are mostly prevalent among convicts? A. When I had charge of this institution before we had no United States prisoners. Now we have between 400 and 500 of these prisoners come from the south and from Texas and from the west. Men who have been accustomed to an active out-door life, and don't bear confinement well in a colder climate. The principal troubles that we have are pneumonia, bronchitis and consumption. More die of consumption than of all the other diseases put together.

Q. And mostly among those that come from the south and United States prisoners? A. Mostly Indians and negroes, half breeds.

Q. Long-term prisoners, are they? A. Some of them are. Some are not. All I think longer than a year.

Q. What is the character of the disease mostly prevalent among those who are sent here from out courts in this State? A. Well, among the tramps, what we call tramps, it is more syphilis, rheumatism and alcoholism. Still consumption is always among prisoners a fatal disease.

Q. Well, consumption generally is a fatal disease? A. Yes. I mean it carries off a larger proportion. It does in our hospital over here.

Q. Is consumption also caused by the habits of the prisoners? A. Yes, sir.

Q. And is that also caused by housing them two in a cell? A. Well, I suppose close confinement is not advantageous for them.

Q. No, I mean is not confinement of two convicts in a cell conducive to bad habits? A. Yes, sir; I think it is.

Q. Self-abuse and other habits? A. Yes.

Q. All leading to consumption? A. Yes.

Q. In your opinion does the taking of a United States prisoner bring any advantage to the penitentiary in any wise? A. You mean pecuniarily?

Q. No, except the pecuniary advantage. Is there any other but the pecuniary advantage that you know of? A. No; I shouldn't say that there was.

Q. Do you know that there is any pecuniary advantage? A. I don't know of my own knowledge.

Q. Do you know whether all the convicts now in the penitentiary now are employed? A. They are not all employed, sir.

Q. Do you know why that is? A. In some branches of industries there is no work for them, for them all, and there are many that are incompetent to work from age or debility or sickness.

Q. If United States prisoners were not taken there would there be ample work for local prisoners, wouldn't there, doctor? A. I presume there would; I don't know of my own knowledge.

Q. Do you know anything about the rules of the institution? A. Yes, sir.

Q. Just state what you know about them? A. Prisoners when brought in here are cautioned about disobedience, a copy of this little —

Q. Well, it is the pamphlet containing the laws of the State? A. Given to them, yes; which tells them what commutation they are entitled to and so forth and so on, and they are told that there is regular religious service every Sunday, Protestant and Catholic, what hours, and cautioned about disobedience of orders.

Q. Are they also told the rules governing visitors, or are there any rules governing visitors? A. Well those are posted up outside here.

Q. Where are they posted up, doctor? A. Right on this partition here.

Q. Well those are rules that are posted up? A. That is all that I know anything about.

Q. Those are only with reference to visiting days? A. Well, we have no other visitors except visiting days as a rule.

Q. Are there any other rules governing visitors excepting days when they can visit? A. No, unless they have a permit from the commissioner.

Q. I don't think that you quite gather in what I am trying to ask you, doctor. Are there any rules governing visitors here? A. None others than those.

Q. Well, those rules that you refer to are rules posted on the outside to state what days they can visit? A. Yes.

Q. Are there no other rules? A. No, sir.

Q. Well, a visitor is not permitted to bring any article to a convict without it being inspected by the warden or in his office, is he? A. Certainly not.

Q. How does a visitor know that? A. They are told that at once.

Q. Who? A. The keeper, when they come in.

Q. Who is told that? A. Every visitor that comes in here.

Q. Is told that? A. The moment they come in they are asked if they have anything for the prisoners and if they have it is examined, it is supposed to be thoroughly inspected so the liquor or morphine or tobacco or anything that is contraband should not be brought in.

Q. The visitor is told when he comes here? A. Yes, sir.

Q. But suppose a visitor before he is told that hands a cigar to a convict that he sees behind the screen? A. Nothing is done with him. He is probably told not to do it again.

Q. That is all? A. So far as I know.

Q. Have you ever been present at any time when visitors have done anything of that kind? A. No, sir.

Q. Have you ever been present when visitors have been instructed as to what they were permitted to do and as to what they should not do? A. I have often seen the keeper inspecting their packages.

Q. Have you ever been present when they were told what the rules were? A. No, I don't know that I have.

Q. Have you ever been present when prisoners were received and were told what the rules of the institution were? A. I have often seen them received; I have often been here when they have come here.

Q. Have you ever been present when they were told what the rules of the institution were, doctor? A. No; I don't know that we have any particular rules excepting general customs and habits and manners.

Q. Now is there anything that you want to state of your own volition regarding the testimony that has already been given, doctor; I want to give you the opportunity? A. Yes; I would like to say in the first place, all prisoners have the right at any time to see the doctor; if I am not here my assistant is here and they are brought from the shops to the drug store, where he sees them, or I see them if I am here.

Q. How do they evidence their desire to see the doctor? A. By raising their hand and telling the keeper they are not well and they wish to see the doctor; and that is never refused so far as I know.

Q. Now I suppose there are a great many every day who want to see the doctor? A. Yes, sir.

Q. How many a day? A. Often 100.

Q. Then how do you see them? A. See them in the drug store.

Q. You sit at a table there? A. Yes, sir.

Q. With the druggist next to you? A. Well, in the first place I come here Monday morning and then all who wish to see me come over Monday morning and there will often be 100, 150 men.

Q. At the drug store? A. No; in the long-term prison; they only come to the drug store to see my assistant when I am not here.

Q. Do you sit at the table there when they want to see you? A. Yes.

Q. And anybody with you? A. Yes, sir; my assistant is there and the druggist is there.

Q. How long does it take you to go through 100 convicts? A. Sometimes takes an hour, an hour and a half; you must recollect a great many of these men I know of perfectly; I have seen them 100 times before; know all about them.

Q. And you know they are troubled with the same old disease?

A. Yes; you get very well acquainted with the physiognomy and you can tell almost instantly whether a man is sick or not; if I think they are sick I examine them carefully and critically and lay them off, if I think it is necessary, tell them to go to their cell, prescribe for them, and wait until I come again; if a prisoner is sent over from the prison and put in the dark cell they are seen every day; no prisoner remains in the dark cell 24 hours without being seen by a physician; the keeper steps one side; I say "Do you wish to see a doctor;" often they say "No," they don't wish to see any doctor; they are defiant about it; if they say "Yes; I want to see you, doctor," I say "what is the matter; what are you shut up for; how long have you been shut up;" ask them all the questions and find out the circumstances for which they are punished and if in my judgment they oughtn't to stay in the dark cell any longer I simply tell the keeper take this man out, and it is always done; my authority in that matter is absolute, so that a man is never kept in a dark cell if I think his health will be injured thereby

Q. Is it conducive to health to be in a dark cell? A. Not at all; no, sir.

Q. Isn't every man's health, no matter how healthy he may be injured by being confined in a dark cell? A. No; not permanently injured.

Q. I am not asking about permanent injuries, doctor; isn't it injured by being in a dark cell? A. Well, no; I can't say that it is.

Q. How long doctor is the longest time you have known a man being in a dark cell? A. Well, I can't remember exactly, but I should say about 10 days.

Q. Will you say that was actually the longest time that any man was ever in a dark cell? A. No; I won't say that; but I have no recollection of a man, you know.

Q. Do you know how long Furman was in? A. I do not.

Q. Why don't you know that doctor? A. I don't recollect; there are so many cases.

Q. There were not many cases I take it like Furman's? A. No.

Q. You recollect that case very well; you know that he escaped? A. Yes.

Q. And was caught? A. Yes; I don't know whether I was there at that time or not; I don't think I was there at that time; was I warden?

Warden Hayes.— No, sir.

Q. Did you know Wilson, on whom the hose was played as a punishment? A. I don't recollect.

Q. Did you ever hear about that; I want your recollection? A. No; I don't recollect; I have nothing to keep from you, Mr. Counsel; I wish to give you every information I can.

Q. I want to get your best recollection? A. I don't recall Wilson.

Q. I want to get after your best recollection on all the men that you have known of being in dark cells? A. Let me say right here that I recollect only two persons on whom the hose was played, and on those two persons the hose was played by my express order.

Q. What was the cause of that? A. One was a prisoner on the long-term side who was insane and he had filled up his lock and fastened it so it couldn't possibly be opened, he had torn his bed all down and had a piece of iron about that length (indicating), and anybody that came near that lock to fix it, to get it open, he would have killed them in a moment.

Q. Was he a white man, do you know? A. A white man, a southern man; I don't recollect his name.

Q. And the hose was played on him when he was in the cell? A. And we couldn't get in there and I was afraid he would commit suicide, he threatened to do it, threatened to kill himself; and in order to keep him back from the door while we could get it open, the hose was played on him for a moment until the door was unlocked and we could get him out; the other was a colored woman who was not insane at all, but was possessed of the devil, and she persisted in stripping herself stark naked all the time in her cell in spite of all my expostulations, and I told the warden the best thing would be to give her a bath, which we did, and it effectually cured her; she didn't go naked any more; those are the only two instances that have ever occurred to my knowledge since I have been connected with this institution, where the hose has been used.

Q. Doctor would you ever prescribe that character of a bath for one of your private patients? A. I would if I had such a devil as she was.

Q. Do you recollect any man here who was going around with a log and chain to his ankle? A. Yes, sir.

Q. Do you recollect his name? A. I don't recollect his name.

Q. A man named Wilson? A. I don't recollect his name.

Q. Do you recollect a hose being played on him? A. Oh, no; I don't recollect the hose being played on him at all; I recollect his going around with a log about two and one-half or three feet long; let me say in regard to that man, we tried every possible way to get him to work; he was perfectly capable; a strong, healthy man; we put him in the dark cell, found it was no earthly use, and that was simply taken not so much as punishment, but to mortify him for the moral effect.

Q. The moral effect of the hose being played on him? A. No, no; this log being attached to him; he was placed out here in the yard when the men were walking up and down and they looked at him as an object of ridicule.

Q. You knew him personally, did you, doctor? A. I knew him, yes.

Q. And you say now upon your oath that he was perfectly capable of doing the work that was laid out to him? A. Certainly he was.

Q. How do you know that, doctor? A. How do we know anything.

Q. I want to know how you know that; I will answer for myself when I am called upon; I want to know how you can tell that he could do the work that was laid out for him. A. Of course where a man says he can't do the work I examine him carefully, his heart, his lungs, his kidneys, go over a physical examination of him; I then go out to the shop and examine the work; some men can't work because they can't see; other men can't do certain work because their right hand is deformed or something of that kind, and if I find there is anything in his physical condition, or anything in his work that he can't do it, he is taken off and put somewhere else; now this man I examined several times, examined him thoroughly.

Q. And what did you find? A. I found nothing; no disease at all.

Q. That is to say, you found the man in a perfectly healthy condition? A. Perfectly able to do the work.

Q. Perfectly able to do the work? A. Yes, sir.

Q. Intelligent enough to understand it? A. Yes, sir.

Q. Of a certain age when he would be capable of doing that kind of work? A. Yes.

Q. And there being others of the same intelligence, the same capability, and the same age, who did do the work, you concluded that he should do it, is that right? A. Yes, sir.

Q. You went to college, of course, doctor? A. Yes, sir.

Q. And do you always judge people that way? A. Yes; we have no other way.

Q. You went to college, of course, doctor? A. Yes, sir.

Q. Did you ever find in the course of your life while at college or since that two men of equal intelligence, of equal capacity to study and learn, the one would learn quickly and the other slowly; did you ever find that to be the case? A. Undoubtedly.

Q. That we find all over? A. One horse will travel in 2.20 and another couldn't in 10 minutes.

Q. Then why judge men differently? A. Well we always make allowances for that.

Q. I ask you, doctor, before I ask you anything else, given two men, the same intelligence, of the same capacity for work ostensibly, you say you ask them to do the same work? A. Yes; but they have not the same intelligence.

Q. Why haven't the same intelligence? A. Well God didn't make them so.

Q. How can you tell they haven't the same intelligence? A. No; but —

Q. No; I am asking you; I want to know? A. Yes, of course; when I first came here of course we had regular —

Q. Don't let us get away from it, doctor? A. No; but I will come to it; we had regular tasks; so many shoes to be done; often the men said they couldn't perform, didn't do as much as the other

men; I examined them and examined their capacity, their mental capacity, so far as I could, and there is no doubt there is a great difference in men; some learn a trade quick; they are apt; others can not do it; where I found a man hadn't the intelligence he was taken off; he had the benefit of that.

Q. How would you judge that a man hasn't the intelligence? A. When you see a man at work and find he is awkward, uncouth, he hasn't the mental qualities that fit him for it.

Q. And then the amount of work is largely dependent upon the keeper, too, isn't it? A. Well, no; while there is a task, a certain amount required, and the keeper is expected to have each man do that task it remains with the doctor or the warden to judge whether the man is capable of doing that task.

Q. Are you sure about that? A. Yes, sir.

Q. You were here this morning when two keepers testified? A. Well, I was very much surprised that they didn't refer to that.

Q. You know they both stated if they found a man didn't do the task they had a right to punish them at once and report to the office? A. Well, they shut him up, but he is seen at once by the doctor and let out.

Q. But they punished them first and they do now? A. Yes, sir; but so far as I know, the majority of the men before they are punished are referred to the doctor; I am asked constantly to examine a man and see if he is able to do that work; supposed that that was the rule among the keepers

Q. Doctor when these 100 or more men came to you of a Monday morning to be examined or to be prescribed for, what examination do you give them? A. Some of them I don't examine at all; where I know them to be well, where I know they are what we call fakes; where they are sick, have cough or sore throat or any trouble I examine them just as carefully as I would my own patients outside with a stethoscope and have the kidneys examined give them a thorough examination.

Q. Have you ever examined the urine of a convict? A. Many of them, sir.

Q. Here? A. Yes, sir.

Q. How lately? A. Within the last two or three days.

Q. Where the convicts have complained of kidney trouble? A. Yes, sir; where they have had any kidney trouble or where I have suspected it.

Q. And how did you arrive at that while they were in line, or do they come to your table? A. Oh, yes; they come to me and complain; perhaps they are dropsical or have some trouble in the heart.

Q. Is there anything else that you want to refer to, doctor? A. Yes; I want to say that when I first came here we had no druggist at all and I had to depend upon the keeper or at least had to depend upon one of the convicts to assist me; under that regime I have no doubt there were abuses; I couldn't keep any tinctures or morphine or opium, and consequently asked the commissioners to give me a druggist, a regular druggist; after that we had no trouble of that kind, and the care that is given to our drugs and to our stimulants, what we have, is as careful as it possibly can be, and I don't think that it would be — I wouldn't perhaps say it was impossible, but it certainly would be very, very improbable that any use would be made of stimulants or poisons or anything of that kind.

Q. Who is your druggist? A. Doctor Bergen, and we have a convict at present, a physician, who assists.

Q. Who is that? A. I don't recollect his name.

Warden Hayes.— I think it is Waring, now, sir.

Q. Do you recollect a Doctor Tafft? A. I think I do; I am not certain whether I was here at his time or not.

Q. Well, I want your recollection, don't ask the warden; you don't remember him? A. I don't remember him, no; of course a great many of these prisoners you must recollect, I don't know their names; they come before me constantly; if I saw them I would recognize them at once, but their names I don't remember.

Q. Is there anything else that you desire to state, doctor? A. I want to state in regard to the food; now, the food that we have at present, since I have had charge of this kind, I think has been very wholesome and good; there were times under the former administration —

Q. You mean by that Gott, Murphy and Nolan? A. Yes, that

the food was perhaps not all we could wish; but the prisoners have the same beef that is eaten by the warden and the officers here and I examined it often and constantly; our bread is excellent, and the food so far as I know of other penal institutions is quite equal to that of any other institution.

Q. What was the character of the meat formerly? A. Well the meat was not always as it should be.

Q. Well the meat was at times very bad, wasn't it? A. Yes, at times.

Q. Was any of the other food bad that you recollect at that time? A. Well the fish often was bad.

Q. What was the character of the clothing, the goods furnished for convicts? A. I don't know so much about the clothing.

Q. Do you know what the character of the blankets were at that time? A. No, I do not.

Q. Or do they use the same blankets to-day that they did then? A. I don't know; when a prisoner complains that he wants more blankets they come to me; I am often asked and I at once see that they have another blanket; there is one other thing I should also like to speak of if you will allow me, and that is in regard to the bath; there is a 3-inch pipe running into that bath tub constantly all the time, and I have been out there several times and watched the water after the men have been washed, and when they have finished it is almost as clear as when they begin.

Q. Do you mean to say that the water is constantly running in and running out? A. Running in all the time and running out, yes, sir.

Q. You are sure about that, doctor? A. I know it to be so; yes, sir.

Q. You have seen it, have you? A. Yes, sir.

Q. At all times? A. Yes, sir.

Q. Well what would you say if I were to tell you that one of the members of my staff on this investigation went down to that gas tank and found the top of the water full of slime and green stuff after the men had been bathing, what would you say to that? A. Well it has to raise up to a certain level to run over; it may have

been below that level; it certainly is a very great improvement over the old fashioned way of washing them in tubs in the halls.

Q. Do you find any difference in the conduct of the prison between Warden Greene's and Warden Hayes' management? A. Well, I think in the conduct of the prisoners—

Q. Generally, conduct of the entire prison? A. Well, I think the conduct of the prison is admirable.

Q. I am asking you now a question of comparison. A. Well, comparisons are odious.

Q. I am asking your opinion now, as an expert; you are here and you know what the conduct of the prison was under both; I want to know what your opinion is? A. Well, I don't know, so far as that is concerned that there is any difference; I think Warden Hayes has instituted a good many improvements here since he has been here; improvements in our hospital; in our drug store.

Q. Are the men fed as well and as plentifully under Warden Hayes as they were under Warden Green? A. Well, I don't know that of my own knowledge; I think Warden Green gave them extra bread; I don't know that of my own knowledge, but I have been told so; I really don't—they get nine ounces of bread in the morning; at noon they get 12 ounces of meat and in the evening they get 9 ounces of bread also; that is certainly ample for a man.

Q. You have analyzed the food that is given them here, I suppose doctor, in order to know whether it is sufficient nutrition? A. Do you mean chemically analyzed it?

Q. Chemically analyzed it? A. No, sir.

Q. Never have done that? A. I am not sufficient of a chemist to chemically analyze bread, but I have examined it a good many times and eaten of it; that is a pretty good test.

Q. Do you recollect Donnellon a man who died here in 1890 and 1891? A. Don't recollect him by name.

Q. Died of some dropsical affection? A. I can't recall him at this moment.

Q. Have you a memorandum or a docket or register or record showing the deaths of the various people here? A. Yes, sir.

Q. Where do you keep that record, doctor? A. It is given as a part of my report to the commissioners every year.

Q. And that bears the name of every man who died? A. Every man who died; yes, sir.

Q. Are there ever any post mortem examinations held here? A. No, sir; we send the bodies at once over to the dead-house at the hospital; post mortems are made on them there.

Q. By the coroner? A. Well, if it needs a coroner; if we can't give a certificate.

Q. Have there been any such cases? A. What cases do you refer to.

Q. Where the coroner has made a post mortem? A. Well, there have been cases where we have had the coroner; I don't know whether he made a post mortem or not.

Q. Have there been cases where you have had the coroner lately? A. Not recently; no, sir; now, I want to say another thing, if you will; in regard to the suicide; we never have had but one suicide since I have been connected with the institution in a dark cell.

Q. That was lately? A. That was some time ago.

Q. Four or five months ago? A. Yes, four or five months ago; we have had several suicides or attempts at suicide; one was by jumping off—in going to church on Sunday a man taken with a sudden frenzy just leaped right off the upper tier on to the pavement; we have had two or three do that; we have had men in their own cells hang themselves; one man was cut down a year or two ago; but with that exception the dark cell has never—we have never had a man commit suicide, or a woman, but this one, so far as I know; now, these dark cells, I have often been in there, they are not pleasant places; they are not intended to be pleasant, and where men fight, as they often do where you have two or three in a cell, they will get to fighting, or they will get to fighting over in the shop, and it is mostly for that that they are shut up; for refusing to do work they are not so often incarcerated.

Q. Now, is there anything else that you desire to state? A. No, I do not recall anything else now.

Q. Did you ever know of anyone having his arms poisoned by dye stuff used in any of the manufactures? A. No, sir.

Q. Never knew that? A. No, sir.

Q. Did you ever hear anything of that kind? A. Never—never heard a whisper or a breath of it; don't believe anything of the kind ever occurred.

Q. You don't mean that, do you? A. I do.

Q. Suppose you were to see it yourself? A. Well, I haven't seen it, nor I haven't heard of it.

Q. That is all you know about it—that you didn't see it? A. You mean in our works here?

Q. Yes. A. I don't believe there is any work that the prisoners do here that is poisonous; I have gone out there and examined all their works; the different works; I am quite familiar with it.

Q. Ain't dye stuff used in any of the cloth? A. Well, used dye stuff in their chairs, but it is not poisonous.

Q. Use any dye stuff in their blue cloth that is used here? A. I don't think they dye their cloth here.

Q. I don't say they do dye their cloth here, but isn't there a dye in the cloth? A. Yes, certainly; that is indigo.

Q. Do you know what its effect is? A. It wouldn't have any effect; if they had an excoriated surface, possibly rubbing it in might irritate it some.

Q. You have seen no such case where the man's arms and face were swollen? A. Never seen a case since I have been here where it seemed to be traceable to any dye in the place.

Q. That is all, unless you have something to volunteer, doctor? A. No, I have nothing further, sir; I want to say that whatever I have said I have said of my own volition, not at the suggestion of Warden Hayes, or the commissioners, or anybody else; simply as a matter of justice to the public and the institution.

Patrick Hayes, having been recalled for further examination, testified as follows:

Examined by Mr. Hirsh:

Q. You were requested by counsel to state to the convicts that if they had anything to say to this committee while they were here upon this investigation, they should have the right to do so; did you so state? A. Yes, sir.

Q. What did you say to them? A. I said that a committee from the Legislature was here investigating this department, and that they could go before the committee and say anything at all they pleased to the committee, either any complaints or for the improvement of the prison while here.

Q. And did you tell them how they might manifest that? A. Yes, sir.

Q. How? A. By stepping out of the line and giving their names and the number of their cell to Mr. Pladwell.

By Mr. Keenholts:

Q. And how many did that? A. Forty-six, I think, Mr. Pladwell said.

By Mr. Hirsh:

Q. Have you also brought for the inspection of the committee, the log and the chain which was upon the ankle of any prisoner? A. Yes, sir.

(Witness exhibits a stick of wood about 20 inches in length with a chain attached.

The Witness.—The whole thing weighs $10\frac{1}{4}$ pounds; I have here the log and chain that Furman had carried since the last time he attempted to escape from the prison, and it was put on his left ankle in that form (indicating) so that when he walked he would naturally drag the chain after him; and that was put on him sir, because before he escaped from Mr. McClafferty who had charge of the prison, he was not able to tell whether Furman was in the prison or out of it; and when he was brought back I had that put on him so that the keepers should never miss him again, because if they didn't hear this chain and block moving when he was there then they would know he was attempting to get away again.

Q. What book have you here? (Referring to a book in possession of the witness.) A. I have got the book that the grand jurors as they visit the institution at all times —

Q. Inscribe their names upon it? A. Yes; and whatever recommendations or requests that they may have to make through the

warden or the county judge when they make their presentments; and I have got here, sir, a copy of the presentments as made by the grand jurors.

Q. Well, we don't care about that, Mr. Hayes? A. During my term from 1889 until the commencement of the investigation of your committee, in June, and I have got the balance of the grand jury who was here since; the reason that I would like to submit this (referring to a letter) to your committee is because in one part of it the grand jury that made an investigation of the Wilson case that Doctor Bartlett spoke of here to-day —

Q. We don't care about that here, Mr. Hayes, at all; it is nothing material about the grand jury's investigation. A. All right, sir; just one more thing, if you please; during my examination you asked me a question something about didn't one of the grand jurors, while here, condemn this institution and my method; I want to say, sir, that that was not true; that the McGuire grand jury as it is designated, in the term, in this room, in the presence of the grand jurors, and the names of them all are here and their residence, complimented myself and the institution upon its cleanliness and its management, and the amount of food that each prisoner had received, and stated that it was sufficient; and during my six years in the penitentiary no grand juror, either foreman or otherwise, said as many complimentary things about this institution as Mr. McGuire did himself, and when he had got through stating that in this room and the grand jurors signed this book, I asked them to put on the fly leaf, as we do all the other grand jurors, the remarks that he had made here, and he said that would be all right, he would present them to Judge Moore when he appeared before Judge Moore with the grand jury, and when he got there he said nothing at all either in commendation or condemnation of the place; it was apparently a blank; I see, sir, in the testimony of Steinbrenner that he said that I locked him up in prison here; he was a cook, one of the employes here in the department, and the rules of the charity commissioners was that the cook should have one day off a week, and he went away on his regular day off and didn't come back for three or four more days, and I reported the absence to the commissioners and they instructed me

that when he came back to deduct from him the three or four days for each week so that he couldn't go out again the time that he had taken away; that he would have to serve it here; and I ordered the deputy and the hallkeeper not to let Steinbrenner go out again on his day off until he had remained in the number of days that he had taken.

Q. That is to say, you made him practically a prisoner during that time, so as to take off the days that he had taken, all in a lump? A. No, sir; I made him practically cook during that number of days so that he would stay.

Q. But you didn't let him out? A. Oh, no, sir; I obeyed the orders of the commissioners in that case.

Q. That is, so far as that was concerned, he was practically a prisoner; that is true; isn't it, Mr. Hayes? A. Not any more than any keeper to the prison here while he is on duty.

Q. Not for a month at a time? A. Yes; we have had keepers here who did not get any days off.

Q. What will you do to a man who is employed here and who insists on going out? A. Then I let him out, sir, when he insists upon going out, and then I report to the charity commissioners that he disobeyed the orders, and I let the commissioners and himself settle that matter; I make the complaints against them.

Q. Did Steinbrenner insist upon going out? A. No, sir.

Q. Either to you nor the deputy? A. Neither to me, or if he did to the deputy the deputy never told me so, because if he did I would have let him go out and then would have reported him to the commissioners for disobedience of orders.

Q. Steinbrenner is a Grand Army man, isn't he? A. Yes, sir.

Q. And so are you? A. Yes, sir.

Q. You attended a Grand Army encampment during that time, or parade or something, during that month that he was kept in here? A. I couldn't say, sir, now, because I couldn't tell you now just what month that was.

Q. There was one day there was a parade of Grand Army men, perhaps it was Decoration Day? A. I couldn't say, sir; what I mean to say now, I don't know just the month that occurred in, and for that reason I can't say now, as I didn't pay any attention.

Q. Is there anything else you want to say, Mr. Hayes? A. I would like to say this, sir, that the prison duty in prison is from 7 o'clock in the morning until 6 o'clock in the evening, and that all of the keepers come here in the morning on duty at 6 o'clock so as to get their breakfast and all be ready at seven and they all leave after the prison is locked up at 6 o'clock, except the men who sleep here at night, and the men who come on duty at night, and for that reason it wouldn't be necessary for either the warden or the deputy warden to remain constantly in the prison during the night, between 6 o'clock at night and 6 o'clock in the morning, because one of the keepers who is captain of each watch is in command of the prison from after 6 o'clock at night until 6 o'clock in the morning; but I come in and out of the prison during the night at different hours, because I don't want the keepers to know just what hour I am coming back at, and except when I have a leave of absence to leave the city I am in the prison all mornings when opened about 6 o'clock; during my six years I might have missed a half dozen mornings either by missing the car or being in that condition; but I always get here except when I have a leave of absence, and the deputy, wherever he has been, always gets here at 6 o'clock in the morning, except when they have a leave of absence, or excused by the commissioners or myself.

Q. Is there anything else? A. That is all I can think of.

(Counsel here called before the committee the convicts who signified a desire to be heard, and they were severally examined without the administration of the oath).

John Ketchum, having been called as a witness, testified as follows:

Examined by Mr. Hirsh:

Q. As counsel to the committee of the assembly on the affairs of cities that is investigating the department of charities and corrections of this county, I representing them, state to you that you are at liberty to state anything that you may have to say regarding either your treatment or the treatment of other men in your posi-

tion in this institution, or your experience and living here tells you is not done that ought to be done; now, if you have anything to say in that direction or any complaint that you have to make by reason of the conduct of keepers or warden, I want to state now to you that anything that you may say will not result in any punishment that can be inflicted upon you by anybody, but that you will be amply protected by the strength of the Legislature in the liberty of your expressions. Now, if you have anything to say we will hear from you. A. Well, I am not an educated man and perhaps I might make some blunders, but I will endeavor, if you will put the questions truthfully, and as plainly as I possibly can; being incarcerated in this place since 1883, until the present day, with the exception of two and a half months' liberty, I have become rather nervous and excitable; I am not in the condition that I was when I came here, certainly, and being that I have been compelled almost continually since my incarceration of this place to subsist upon such as the institution has afforded, it has broken me down, and if I make any little breaks, why, it will have to be overlooked in that respect; I don't know what you want me to do exactly; I don't thoroughly understand if you wish me to go on with the conversation, or if you will put the questions to me I can answer the questions much better.

Q. I will put some questions to you, Mr. Ketchum. A. I wish you would, please.

Q. What are you confined here for? A. I am here for burglary.

Q. First or second offense? A. On this term or on the other term?

Q. Well, how many terms have you been here? A. I have been sentenced here twice.

Q. For the same kind of offense? A. Same kind of offense, yes, sir.

Q. Now, you have mentioned something about being here so long that it has broken you down; do you mean by that that the character of the food is not good enough? A. Well, I couldn't say; I should think—well, I won't think at all, I will say positively on that question the food has not been sufficient.

Q. That is to say, you don't get sufficient food for a man of your size and weight and work to subsist on? A. That's what—yes.

Q. Is that a matter of general complaint, Mr. Ketchum? A. That is a matter of general complaint; has been ever since 1883.

Q. Wasn't there more food given inmates here under Warden Green than there is now? A. Yes, sir.

Q. There was? A. Yes, sir.

Q. Can you tell what kind of food it is that the inmates here receive; particularly meats? A. Well, they miss their breakfast in the morning.

Q. They get some breakfast in the morning? A. We get, yes, sir, a piece of bread.

Q. What do they get for breakfast? A. A piece of bread and a can of coffee.

Q. Nothing but bread and coffee? A. That is all; yes, sir.

Q. That is to say, they get nothing more nourishing, then, than is in that bread and is in that coffee? A. No, sir.

Q. Has there been complaint made by the inmates as to the lack of proper food? A. Yes, sir.

Q. Is it frequently made? A. Continually made throughout the shops; there isn't a day that the food is dealt out—I will say not—I won't be quite so positive about "not," but on an average of four and five times a week, immediately after dinner, going in the shop, the expression is passed in something of this manner, "That is a very bum dinner we received; very bum."

Q. What do you get for dinner; you have bread and coffee for breakfast; now, what for dinner? A. It is, on a Monday, you get what is called soup; it is supposed to be vegetable soup; it is fresh meat, fresh beef and potato, and perhaps you may, it is doubtful though whether you will get any turnips in it or not; onions is very scarce; and water, nothing but colored water; the substance of the soup is taken from it in some way or another; now, we know pretty near how that substance is taken from it; there is only one way that it can be taken from it, because if you allow me to state, I am a cook myself—the grease is taken from the soup; what is done with the grease I can't say; and the flavor is all taken from it, and

there is no more taste to it than there is if you would put so much meat and potatoes into a man and cook it under a hydrant.

Q. Aside from the soup, do you get enough meat? A. Some days you will get a piece of meat, I should judge, weighing about two ounces and a half or three ounces; that is, it is cut off in that proportion; the majority of it is bone or grizzle skin or fat; certainly that can be overlooked in a case of that kind all right enough; can't expect to be dealt out just exactly as every man liked it in a place like this; and at supper time you can get a piece of bread and a can of what they call tea; it has a very slight flavor of the tea—very slight.

Q. Nothing besides the bread? A. That is all, sir.

Q. Was there any difference under Warden Green? A. Yes, sir.

Q. What was the difference? A. The difference was that we had a larger variety of food; under Warden Green, in the summer time, especially, we used to receive—winter time, too—from 1883 when I came here; Warden Green was warden of this place; on the 26th day of December I came here; I went home the 25th day of June, 1890; I was here from the 26th day of December until Warden Green went out of here, and from the time I entered here until Warden Green left we always had bean soup; it was good; it was good enough for any man; there was never no complaints about the bean soup; I came back on the 5th day of November, 1890; the bean soup was in order then; but about six or eight—I wouldn't say positively now—shortly after I came back, the fore part of 1891, the bean soup became very poor, and there was a kick made, and the bean soup was omitted from the bill of fare and we never received any since; under Warden Green we used to receive corn-beef and cabbage, pork and cabbage; it was cabbage with no soup to it; plenty of corn-beef every day; plenty of pork every day; plenty of potatoes—the pans were heaping; there was sufficient for dinner and for supper; but the morning breakfast and supper was the same as now; never no difference.

Q. So that the main difference that you find between the former administration and the present are the character of the soup that

is given for dinner; the breakfast and the supper are the same?

A. Breakfast and supper are the same; yes.

Q. Now, what is the treatment, generally, of the inmates? A. Well, speaking for myself, which I will have to do at first, I can't find no fault at all with the treatment; it is perhaps because I have endeavored to the best of my ability to obey the rules and regulations to the letter as near as I possibly could, hence I have escaped all trouble in the line of punishments; I have never been punished; I have never had a cross word said to me, or anything else, I have never even been dictated to by a keeper or warden since I have been her, with the exception of one time, and that it was my own fault.

Q. At that time you were in the cooler? A. That was when I was in the cooler, yes, sir.

Q. Twenty-six hours? A. Twenty-six hours.

Q. How does it feel to be there, Mr. Ketchum? A. I don't care no more for it; that is the reason why I have struggled to keep out of it, and keep out of all difficulty as much as I possibly could.

Q. Not an agreeable place to be in? A. No, sir.

Q. Did you feel any different when you got out than when you went in? A. Yes, sir; I felt just the same as I felt the morning that I had my liberty and passed out that door, as when I left that cooler and was passed out on the flats, the same sensation.

Q. You think it is a kind of punishment that ought to have a salutary effect upon any man that transgresses the rules of the prison? A. I do, yes, sir; I know that it drove me into a fierce fever and through that fever the doctor took me from the cooler; it was nothing but the incarceration in this cooler, the confinement in the cooler, the worriment—and I will go a little further; I will say fear of that punishment brought on the sickness, although I was not quite a healthy man at the time that I was put in there; I was under the doctor's care at the time that I was punished; was all my other term.

Q. What is the length of time that men have been left in the cooler, Mr. Ketchum? A. I have known men to be in there 32 days; that is, in one case.

Q. Who was that? A. His name was Murphy.

Q. When was that? A. That was in 1888 or 1887; I wouldn't say positive which.

Q. That was under Warden Green? A. That was under Warden Green; yes, sir.

Q. And under Warden Hayes? A. Under Warden Hayes I have known a man to be in there for 10 days.

Q. How long was Furman in there? A. Furman, I couldn't say exactly, sir; I tried to think when you put the question to me the length of time he was in there, but I couldn't say.

Q. It was longer than 10 days? A. It was longer than 10 days; how long, I couldn't say, sir.

Q. Do you recollect Wilson's punishment by a hose being played on him? A. Yes, sir.

Q. Has that been done more than once here? A. No, sir; to my knowledge that was the first and the last that sort of punishment was ever inflicted on a prisoner since I have been there, turning a hose on him.

Q. What shop are you in? A. I am in the tailor shop.

Q. Pants? A. Yes, sir.

Q. What is the task that is prescribed there? A. Twelve and 15 pair different seasons, different times of the year; I don't know just when the 12 pairs starts up or when the 15 pairs starts up; the 12 pairs I think is in the winter, although I worked there the biggest part of this term, five years which I have been here now, I couldn't say exactly; paid no particular attention because I have always made it a point to mind my own business and get along myself, and as long as I could do that I couldn't—

Q. What is the character of the blankets that are furnished you? A. Character of the blankets; well, when they are new they are all right.

Q. Did you ever see a new blanket here? A. Oh, yes.

Q. Have you? A. Oh, yes.

Q. How often does that occur? A. How often; there has been new blankets dealt out here continually ever since I have been here, more or less.

Q. How long is that blanket supposed to last, do you know? A.

I don't know how long the longest is supposed to last, but I came here on the 26th of December, 1883, and went June, 1890, and I had the two blankets that I came in with.

Q. Were they washed that time? A. In that time they were washed once, and I had to pay to get them done then, to the tierman; that was the prevailing habit here then; there was no compulsion about it; we could if we stood in with the tierman, or as the saying is, if you "pull" with your tierman, and a friend of his, he would oblige you in that respect, and if you wasn't, why, you didn't tip him and he wouldn't do it.

Q. The tierman is a fellow convict? A. The tierman is a fellow convict, yes, sir.

Q. That was from 1883 to 1890; well, since 1890, do they make any different arrangements about blankets? A. I come here the fifth of December, 1890; until the present time, I couldn't say exactly whether it is two months ago now, I don't think it is quite two months ago; but the first time since I am here on this charge since 1890, my blankets have been removed once; they were taken out in the yard; they were shaken, laid on the grass during the day, and when night came I received one back, one double blanket, and one was kept out, and haven't seen it since; and I will state right here, as my memory may not recur to it again, I might forget it, that it is too cold in these cells to be, at this time in the year, with only one blanket, because it is a double blanket, you take one blanket and you fold it, it is double then, and if you want to you can lie on the bare canvas stretched on an iron frame the way they are stretched, and you can put the whole blanket over you, or else, if you want to be a little more comfortable you can put half under and half over you; the consequence is that during the night you are half exposed and you run very great risk of receiving a cold; I have enjoyed excellent health since 1890, on this time, much better health than I did on my previous term, and I blame it on nothing more or less than that last week, Tuesday, I was taken sick; I am subject to chills contracted in the South, and they are not very pleasant, and I am a very restless sleeper, and I wake up continually since I have only had this one blanket, finding myself lying on to this very cold

canvas; and I was taken sick with the chills and I had them severe; I attribute the sickness to nothing only insufficiency of covering.

Q. Do you get extra blankets when you ask for them? A. I was to see the doctor; excuse me for not answering the question promptly; I haven't asked for them for this reason; I saw the doctor on a Thursday morning—

Q. Dr. Bartlett? A. Doctor Bartlett, and a man asked Doctor Bartlett just ahead of me in the line for a blanket, and Doctor Bartlett said he would see the warden about that; so I thought it would be useless for me to bother him any further, because it is not a proper thing for a man to bother too much when he is in a place like this, because you are not outside when you can step out in case of necessity; you have got to stand it if it should come to you.

Q. Now, is there anything else that you would like to speak of generally for yourself or your fellow inmates here, Mr. Ketchum?

A. Well, there is another thing that I would like to speak about; I don't know whether it will be proper or not; it is this, I was sentenced here in 1883—maybe all right enough, I will go ahead, for the term of ten years.

Q. The Honorable Judge Moore; from December 26, 1883, you came here? A. Yes, sir; for the term of ten years; I was told when I came in here if I behaved myself I would be allowed three years and six months commutation time; I struggled to gain it; I did so; in the meantime, between 1883 and 1890, the law was passed that if a man was sentenced again within the period of a short time that he would lose that short time; well, I went home in 1890, and I was arrested again in 1890; I was convicted all right; I won't say no further there, with the exception of this one thing; that table is about as innocent of the charge of which I was convicted of as I am; just the same; but that doesn't make any difference; I am not speaking about that all right enough; but when I was sentenced he gave me the full extent of the law, which was five years; no leniency showed or anything of the kind; and when I came here I was told that I would have to do three years and six months first, and then start in on the five years, which would be three years and

seven months, provided I behaved myself, or five years full if I didn't behave myself; I have done the three years and six months, and on my five years; I am committed five years solid the fifth day of next month out of the seven years and one month; I am compelled to do seven years and one month and only receive a sentence of five years; I understand that; that is all right enough—

Q. That is to say, Mr. Ketchum, you are criticising this, that when you were first sentenced you understood the law to be that you were to receive three years six months commutation for good conduct? A. Yes, sir.

Q. That at that time you claim no law was in existence that you were to serve that again if again arrested and convicted? A. Yes, sir.

Q. That law was passed subsequently? A. That is what I mean.

Q. And you criticise the action of the Legislature in passing the law afterwards; it takes effect after you have already served the good time? A. Yes, sir; no, I beg pardon; I wish to state that I didn't wish to criticise the Legislature, because I am too ignorant to understand fully what the Legislature is; I don't want to criticise anybody, but I would like to know from people of authority whether it is justice that I should serve the sentence of seven years and one month—or not that, that I should serve that three years and six months, be incarcerated in this place, covering sickness and this law going into effect; if I can have that given to me by the gentleman, or anybody that is, then I will give up worriment over that one thing; that is one of the worriments that is now on my mind and has been on my mind ever since I have been here; if I can get that off of my mind it takes a great load off me; if it is justice then I kneel and I knuckle to everything that is justice; I am a criminal and I have been a criminal; I don't want to be the balance of my life in prison, and, God willing, I hope to gain my liberty once more.

By Mr. Cole:

Q. Is it a long time from now to 1897; where is you home? A.

In Brooklyn; I have got good people, but I forfeited all respects to them; I can't look to them no more.

By Mr. Keenholts:

Q. You were only out a short time? A. I was only out a short time; yes, sir.

Q. Before you were arrested and convicted again?

(No answer.)

By Mr. Hirsh:

Q. What I want to know from you is not questions about the legality of the institutions or the matter of that, but I want to know this, frankly, what the complaints, if any, are that you men here suffer from, that the Legislature can remedy; that is what we want to know; you have a friend in this room, Mr. Bass, who is always friendly to all you people; I know that? A. I admit it; yes, sir.

Q. And he would be one of the first to tell me any result of your communication to us here to-day; but I want to know real facts; not questions about things that we can not help, but complaints about things that could be helped; if you are starving, you ought to have enough to eat; if you are not sufficiently clothed, you ought to be properly clothed; the State owes you that; complaints are proper, but nothing else; now, if you will confine yourself to that we will get along, because the time is limited? A. I perhaps got off the track because I didn't thoroughly understand you; I paved the way there when I first sat down here; told you I was ignorant, and if I got off the track you would have to excuse me; I didn't come in here with the intention of making myself anything more than just what I am—a simple convict; I don't wish to step into any other place.

Q. Now, if you will go ahead? A. Now, there is one thing more and I think I have run my course, and that is the question of underclothes; I have not had underclothing given to me since I have been in the place, not an undershirt; I have managed some way,

through the rest of the convicts, to provide myself with the necessary articles, and more than half the time, I will admit it to my shame, through beggary from my fellow convicts; now, I think I have worked and I have earned these things, but they have never been given to me.

Q. Well, are any of the convicts given underclothes? A. No, sir.

Q. Then it is simply a question of the necessary amount of underclothing—warm underclothing? A. Yes, sir.

Q. And you claim that the underclothing is not warm enough? A. I claim that the underclothes—we don't get any; these clothes are warm enough.

Q. I am speaking of the general clothing that is furnished; is it warm enough? A. No, sir; it is not.

Q. Is it comfortable in the summer? A. No, sir; the pants are all comfortable, certainly, but it is nothing but bedticking next to your flesh; pull off that bedticking, we climb in next to a blanket.

Q. Do the inmates here generally complain of the want of clothing? A. I can't answer for the inmates; I can only answer for myself.

Q. Well, you have answered for others on the question of food, Mr. Ketchum? A. I have answered the question as you put it to me.

Chaplain Job G. Bass.—Every prisoner here that has money gives me orders to buy underclothing.

Mr. Hirsh.—I understand that, Mr. Bass; that is not the complaint that Mr. Ketchum makes.

Q. Your complaint is that the State ought to furnish underclothing to the inmates? A. I don't know whether the State ought to furnish it; somebody ought to furnish it.

Q. Well, whoever has charge of the institution? A. Whoever has charge of the institution or running the place; I think that a man had ought to have underclothes; it is necessary; a person outside will have underclothes; I don't see why there is any difference outside.

By Mr. Cole:

Q. Do you have a woolen shirt in the winter season to wear? A. Woolen shirt; that isn't a woolen shirt. (Referring to shirt worn by witness.)

Q. I know, but it is not winter now, either. A. No, sir; that is the shirt used winter and summer.

By Mr. Hirsh:

Q. What is done with the underclothing you wear when you are brought here to the institution? A. Taken away, sir; I don't know what is done after that.

Q. Well, you don't get it? A. We don't get them.

Q. Do you get it when you go away again? A. No, sir; I was discharged here in 1890; I received a suit of clothes; I received no money; I received no underclothes; I received no shoes; I received no hat; I received no shirt, no collar, necktie, or socks; I received a pair of pants, a coat and a vest, after serving six years and six months; throwed on the street penniless and you might say naked in comparison to what the clothes are.

Q. Didn't you ask for the clothes you had? A. I simply took what they gave me in the regular routine; everybody was getting it; I couldn't kick; it wouldn't be policy for me to kick, because if you kick you run a big risk of not going out just exactly the time you expect to go out.

Q. You made no inquiry for your other clothes? A. Was no other clothes to be given out.

Q. But you had other clothes when you came in; you had a suit of clothes? A. That I came in here, sir?

Q. Yes? A. That was taken away; they are never given back to you when you leave here; I understood they never give them back.

By Mr. Cole:

Q. First come first served when they go out? A. Oh, no, sir; your measure is taken and a suit of clothes is made to order for you, such as it is.

By Mr. Keenholts:

Q. That is, when you leave the prison? A. When you leave the prison, yes, sir.

By Mr. Hirsh:

Q. Have you ever made any inquiry of what becomes of these clothes that are brought here by convicts? A. No, sir, because I thought it was none of my business; another thing, it didn't interest me, be of no service to me.

Q. Is there anything else that you have to suggest? A. I would like to suggest this, that if a man is penniless in this place and friendless in this place — he has a cell, he is permitted a lamp; now if you have money you are permitted to procure oil; we are permitted to buy oil here in the prison at one time, but that is stopped lately.; now you have to send out to the groceryman once a week and secure oil; but if you have no money or have nobody that is friendly enough to lend you money or give you oil you go in the dark if you are not situated in a cell directly in front of the gas; then you need no oil; then the only thing left for you to do is to come in after a hard day's work, lie down on your cot or walk the floor until time to go to bed.

By Mr. Cole:

Q. There is no such thing as earning money by overwork in this place? A. Not now; there was—there is different situations, free shops that a man can be placed where you will get some recompense for it; I, myself, from 1890 until 1892, the latter part of 1892, was in a position in which I obtained \$2.50 a month; I was making shirts; and from that I was put into the pants' room on what they call a binder, binding the bottom of the pants; those occupations I received \$2.50 a month at; I lost them; they were stopped; and since then I have got to get along with just such as the institution gave, and it is very little.

By Mr. Whittet:

Q. Do none of the prisoners have lights unless they are able to buy them? A. No, sir, except United States prisoners United

States prisoners are permitted to draw one quart of oil every 10 days; I understand even that is now stopped; we could borrow a little oil once in a while, but even that resource is cut short; I don't know the reason why, whether it is right or whether it is justice that a man should be furnished a light in his cell or whether it is not; that I don't know; I don't know anything about the exact question; I don't know whether it is right that a man should expect it or whether he should not expect it, whether he can demand it, or whether he can not demand it; and it is foolish for a man to demand anything in a prison, because—you can't expect, certainly—we have a library; there is a great many varieties of books into it, and books that will suit all tastes, and there isn't all the men in this place that is ignorant; all the men haven't the disposition to go in and remain mum to themselves and stare at their own walls from 6 o'clock in the evening until 7 o'clock in the morning; they prefer to break the monotony of prison life as much as possible, and hence we have a library for that purpose; well, in the daytime you have very little chance to read; the night time is about the only time you have. !

Chaplain Bass.—Allow me just here to suggest at this point, the Legislature ought to give us at least \$100 a year for a library; all the books that are in this prison have been put in there by myself, every book in there; I robbed my own library and begged from my friends for books or they would have had nothing to read; all the reading matter that comes in this prison has come through J. G. Bass.

Mr. Hirsh.—The criticism of Mr. Ketchum is a valid one, just the same; what is the use of having that library, no matter how valuable and good it may be, if they have not the light to read by?

Q. You say lamps are supplied in every cell? A. No, sir; you supply the lamps yourself; you are at liberty to do that; that is one of the privileges of the place.

Q. There is no candles; no lamp? A. No candle permitted, no matches permitted; the light is sent around three times a day by a man appointed for that purpose to give every man that wants a light, a light.

By Mr. Keenholts:

Q. You say you used to buy oil there in the prison? A. Yes, sir.

By Mr. Hirsh:

Q. A man named Smith used to sell it? A. Keeper Smith; yes, sir.

By Mr. Keenholts:

Q. How long since you couldn't buy it? A. Since Mr. Smith died, right after Mr. Smith died.

By Mr. Hirsh:

Q. Well, you can buy it now from the grocery? A. Yes, sir.

By Mr. Keenholts:

Q. I understood you to say that you had to send out to the grocery now, outside of the prison? A. Yes, sir.

Q. You can buy it here though if you want to pay the price? A. No, you can't secure oil in here under no price.

By Mr. Hirsh:

Q. Is there anything else, Mr. Ketchum? A. That is about all I can think of unless you want to ask questions; perhaps it might sharpen up my memory.

William Carson, having been called as a witness, testified as follows:

Examined by Mr. Hirsh:

Q. Have you anything particular to say, Mr. Carson? A. Yes, I think I have.

Q. What is it? A. It is in regard to the abuse that I have gotten here, and others have gotten, and the food, and the misappropriation of money matters.

Q. Just state them? A. The first abuse that I received here was from Mr. Cooper shortly after I come here; the priest at this place he gave instructions here once a week, and I am not a member of

any church; my cellmate informed me I was at liberty to go for instructions; I started out; Mr. Cooper stopped and asked me if I was a Catholic; I told him I didn't belong to any denomination; he says, "What do you want to go there for," using a severe oath; I told him that I wanted to go and see and learn; he cursed me and told me to go back, and cursed me again, and told me not to come out of there any more if I didn't want to be put in the cooler; my next abuse was in regard to sickness; the 29th day of December last, I was taken with a severe chill and la grippe; I was sick twelve days; I had a fever for ten days without ever breaking; the tenth night my fever cooled down, and the twelfth day I was driven out to work; during the time I was sick my rheumatism came on me; I am afflicted with rheumatism; I could hardly work, but I was drove out to work; I couldn't follow on in the line at all, I had to follow behind; I was driven out on Thursday, and Monday week I was locked up because I didn't do the task; I did 28 dozen and 13—13 pair—the man right opposite me did 27 dozen; he was doing the same kind of work that I was, and he had been on it three weeks longer than I was; we were all in a new shop at that time; and he was not locked up and I was, and the warden took my privileges away, and the day that he locked us up he told us he would take our lights and privileges out of the cells first; he said that was the first punishment he was going to give us; but he locked me up that day, and that night he had taken all my privileges away and put me in another cell where there was no lights, carpet, nothing of the kind, no comforts at all; and he told us the very first day that we did our task he would put us back in our cells and give us our lights and books and comforts; well, I did my task the day that I was locked up through a little assistance I got from a friend, and I managed to get the task in that week; I went to Mr. Cooper on Wednesday, told him that I was doing my task, and he says, "Well, I have got nothing to do with it;" I says, "I was told, and you heard the warden tell us, that we were allowed our privileges the day that we did our task;" says I, "You see the books and see that I have done it;" he says, "I have got nothing to do with the books, you will have to go to the warden;" says I, "How can I go to see the

warden during the week;" he says, " You can't see the warden until Sunday; you will have to put up with what you get until Sunday; go to the warden Sunday and you will get your privileges back;" I went to the warden and he says, " Well, I will see the books to-morrow; if you are up in your work I will let you go back to your cell where you have got a carpet, books and a light and comforts;" the next day he was in the shop; locked up about 38 more men and I was kept in the cell without lights, carpets, books or any comforts at all for eight days more, until the following Tuesday week, then I was let go back to my cell.

Q. You were locked up where? A. I was put in the cooler for not doing my task at noon.

Q. How long were you there? A. I was only there an hour without my food; taken food away from us and put us in the cooler at noon.

Q. Then the outer door was open? A. The outer door was open; he didn't shut the blind door on me.

Q. Were you ever in the cooler when it was entirely closed? A. No, sir; I never have; I have escaped that.

Q. What are you here for? A. For counterfeiting.

Q. You are a United States prisoner? A. Yes, sir.

Q. Sent here from where? A. El Paso, Texas.

Q. What is the term of your sentence? A. Three years.

Q. How long have you served? A. I have been here fourteen months; the 9th of this month I will be here fourteen months and I was in jail four months—

Q. Well, that don't count? A. Well, I have been here fourteen months.

Q. Now, what is the character of the food? A. It is very sorry, sir; insufficient for men to work on.

Q. Not sufficient? A. No, sir; it is not.

Q. What is the usual quantity of food that you get? A. Well, for breakfast it is a piece of bread and a cup of colored water that is not coffee; they call it coffee; and at dinner it is a pan of soup and a little bit of fresh beef and some potatoes; sometimes with a few turnips in it, a little barley or something or another; I don't

know what it is; and a few times we have had a little onions in it—very seldom, very seldom.

Q. What did you have to-day? A. To-day we had a piece of beef, potatoes and a little of that barley—something in it.

Q. Did you have soup to-day? A. Well, soup, that is included, with the exceptions of Monday and Friday and Sunday; it is a kind of stew, Monday.

Q. Was the portion to-day the same as usual? A. Yes, sir.

Q. No difference? A. No, sir.

Q. You never get anything for breakfast and supper more than bread and that colored water, as you call it? A. Nothing, except me and my cellmate, we picked the potatoes out of our soup at noon and saved them, and we take the meat out to use for supper and breakfast; we eat the meat cold for supper and save the potatoes and fry them for breakfast; it gives us a few bites of something to eat for supper and breakfast; and we used the bread and soup for dinner.

Q. Do you know whether the insufficiency of food in quantity is a cause of general complaint among the convicts? A. It is; and Friday it is ridiculous; it is a kind of fish, Friday, and potatoes is mashed up together; I can't eat it, and there ain't half the men in the place that can swallow a bite of it; I never put a bite of it in my mouth since I have been here; I can't touch it at all, and if the fish is stirred up in the potatoes I can't eat any of the potatoes; and it is the case with the majority of the prisoners here.

Q. You said something about money? A. Yes.

Q. What is there about that? A. The 25th of May there came \$10 here for me; the deputy warden acknowledged it came, and claims he turned it in to Mr. Smith, and after Mr. Smith had died, along in July sometime, I asked Mr. Sullivan how much money I had here; he said I had \$2.18; says I, "It is \$12.18, isn't it?" "No, no," he said, "It is \$2.18;" I told him I had \$10 that come here last

May; he said, "Well, I had used it;" I told him I hadn't; he said he knew nothing about it; he said \$2.18 was all I had there; I told him I wanted to see the warden, that I had more money here somewhere; I went to see the warden; the warden told me to go to the deputy, and the following week I saw the deputy; he said he knew nothing about it; I had spent it; he said he turned it in to Smith and I had spent the money; I told him I hadn't, and he said that he knew nothing about it; he said I had lived on it; went on right smart little bluff; and Sunday I went to see the warden again; told him that I wanted to know something about my money, where it went, and wanted him to look it up; he asked me if I had saw the deputy; I told him I had; "Well," he says, "I am very sorry you lost it, but I can't help it;" he says, "I have got no more time to fool with that money matter, so you get out," and rubbed his hands that way (indicating) and told me to get out, and says "I won't bother myself with it any more;" there was another young man there that was treated just about the same way; he had a registered letter that came here.

Q. How did Smith get the money? A. The deputy says he turned it into Smith.

Q. Who is the deputy? A. Nick Jones, I believe his name is.

By Mr. Cole:

Q. How did it come; in a registered letter? A. Yes, sir.

Q. You had a receipt for it? A. Yes, the money came all right; they acknowledged that it came; they don't deny that at all.

Q. Has the warden got the right to receipt for a registered letter that way? A. They do it; yes.

By Mr. Whittet:

Q. Don't they keep a regular book account with you just the same as in a bank; if you got \$10 don't they give you credit? A.

They give you credit for it in the office, and then turn it in to the hall man.

Q. And then when you draw any money it is charged against it, isn't it? A. Yes, sir; the rule that Mr. Smith always adopted when the money came here and the deputy turned it in to Mr. Smith; he demanded a receipt from Mr. Smith; Mr. Smith called out the prisoner and made him sign a receipt; and the \$10, I never signed no receipt nor nothing at all.

By Mr. Hirsh:

Q. You say there was another young man treated the same way? A. Yes; he had a registered letter, had it in there, and showed it to the warden, told the warden his mother had sent him some money, and when he got the money there was no money in it; the warden told him he didn't suppose there was any money come in it; he told him he guessed there was, because his mother never had deceived him; the warden asked him when he was going out; he told him he expected to go out in December; didn't know when he would be sent out; the warden told him—when you get home, settle that up with your mother; get out; drove him out.

Q. You never got the \$10 since? A. No, sir; never got the \$10 since, never saw it; never received a penny's worth of anything from it either.

Q. Is there anything else that you have to say, Mr. Carson? A. Yes, sir.

Q. What? A. We are suffering with cold every night for the want of bedding; we only have one blanket; we have asked the hallman for it and he said it wouldn't be a great while, but for the last week or ten days we have needed more bedding every night.

Q. You sleep on a canvas cot that is fastened to iron uprights? A. Yes, sir.

Q. And the only covering that you have, or only thing that you have to surround yourself with is that one blanket? A. That blanket; yes, sir; we had two up till December, but they have taken the blankets all out and gave them a sunning and they turned one blanket back and kept one.

By Mr. Keenholts:

Q. I understood you to say that you saved your potatoes for dinner and fried them for supper and breakfast; what do you fry them on? A. We have a little oil stove.

Q. Where did you get your oil stove? A. Bought it from the outside.

Q. You didn't use this \$10 you referred to for buying these luxuries and things you have in your cell? A. No, sir; I had money that I got last winter, what little groceries I bought, and from time to time that money come; there was about five or six weeks, five weeks here, we were not allowed to buy any groceries, oil, nor not a thing; about the time Mr. Smith died, there was about five or six weeks, four or five weeks, I don't know how long now, that we were not allowed to buy anything; they furnished us what oil we burned even in our lamps at that time.

Mr. Cole.—Is this man Smith the one that died?

Mr. Hirsh.—Yes; that was stopped about the time our investigation commenced.

Q. Is there anything else, Mr. Carson? A. No, sir; nothing except we need more food; we need better food, and more for breakfast.

Nicholas Jones, having been called as a witness and duly sworn by Mr. Schulz, testified as follows:

Examined by Mr. Hirsh:

Q. You are the deputy warden? A. Yes, sir.

Q. Complaint has been made before this investigating committee

regarding the money that had been received by convicts and not turned over to their credit; do you know anything about it? A. Well, sir, this man Carson, when he came in, came in on the 8th day of August, 1894, he had \$3.10 in a pocketbook, and which we have his receipt and signature to, and it was turned over to Mr. Smith, the hall keeper, who has since died.

Q. Why was it turned over to Smith, the hall keeper? A. Because these men all draw their money, and they order their groceries; Mr. Smith keeps their money and pays the groceryman out of it.

Q. Did he keep a record of it? A. Yes, he kept a record.

Q. Was there any money sent to Carson after that? A. Yes; on May 21, 1895, there was \$10 sent and turned over to Mr. Smith; my books shows that; and on September 13th, I think, or thereabouts, he received a money order for \$5, which Mr. Bass had cashed for him, and it was turned in to the hall keeper.

Q. Why was it that the \$10 were not used for the benefit of Mr. Carson? A. It was; the hall keeper received that.

Q. What did he do with it? A. Well, I presume this man had bought his groceries out of it.

Q. He says he didn't receive a penny, and asked several times for it, and all the satisfaction he received—. A. He never made any statement about that \$10 until after Mr. Smith had died.

By Mr. Cole:

Q. Mr. Jones, you stated that you held Mr. Carson's receipt for the \$3.19 or \$3.18, that he had when he came here? A. Yes, sir.

Q. Did you get his receipt for the \$10? A. No; didn't get no receipt from him; what comes through the mail, and all money that comes through the mail I enter it on the books.

By Mr. Hirsh:

Q. What became of Smith's book of records that he kept for this? A. Whatever records there are they must be inside in the desk in the long-term prison, the grocery records.

Q. Do you mean to say that neither you nor the warden ever investigated to see whether Smith was honest with the convicts? A. Yes; we always had the most explicit confidence in his honesty, sir.

Q. I understand that; did you ever examine the records in order to see whether he was in fact honest with them? A. No; never examined them records; no, sir.

Q. Then how do you know that Mr. Carson ever got the benefit of that \$10? A. Well, I don't know that he didn't get it; I know that the money was turned in and he got his groceries as he ordered them, same as all the rest.

Q. That is all you know about it? A. Yes; I know that I could see the book that money came, on my book.

Q. Why, of course; he says the money came and he says you told him it was turned over to Smith, but he never got any benefit of it? A. Well, he may dispute that he got the benefit, but he has been buying provisions ever since the 21st of May with the exception of some two or three weeks after Mr. Smith died, it was stopped.

(Mr. Whittet.— Mr. Counsellor, if they have a book of records down in the shop why can't it be produced; that would be evidence whether the man had anything or not

Mr. Hirsh.— The trouble is they have not got Mr. Smith's records.

Mr. Whittet.—I understand it is supposed to be down in the shop.

The Witness.— Mr. Smith, as groceries were ordered, he kept a slip, and the amount of groceries that the prisoner purchased was placed opposite each man's name, and as the grocery man would come in Mr. Smith would pay that amount of money to the grocer.

Mr. Whittet.— Didn't he charge it against Mr. Carson's account.

By Mr. Hirsh:

Q. Didn't he keep a regular account with every man who had money to his credit with him? A. He must have kept an account.

Q. Where is that account? A. If there is any it must be in the closet in the long-term prison.

Q. Did you ever look for it? A. I never looked for it, no, sir.

Q. Did the warden ever look for it? A. I couldn't say, sir.

Q. Complaint was made to you, wasn't there, by Mr. Carson? A. Yes, sir; I investigated.

Q. Did you at that time look up the records in order to see? A. I did, sir; Mr. Sullivan who was placed in Mr. Smith's position; he and I looked all through it and couldn't find anything.

Q. Looked all through what? A. Looked through the —

Q. Record of the slips? A. Grocery slips, yes, sir.

Q. And you couldn't find anything there? A. We found where he had bought the groceries.

Q. To what extent? A. Well, sometimes it averaged 50 cents a week, 60 cents; he bought the groceries furnished here at that time, and tobacco, and presumed he was living from the 21st of May until the middle of September, when he got the other \$5 off that \$10.

Q. Do the prisoners purchase luxuries with that money? A. The grocery man comes in every Wednesday and Thursday, and the prisoner, each one, sends down his order to the hall keeper, and the hall keeper fills out another list.

Q. What is the character of those orders given by prisoners? A. Well, some orders sugar, some butter, some oatmeal, some soap; kerosene oil now they order since Mr. Smith has died; the hall keeper has not furnished any since, the grocery must furnish it; and rice; almost the same as you would use in your own home.

Q. And you say that averages from 50 to 60 cents a week? A. Sixty to 70 cents or a dollar, sometimes may average more than that; lamp wicks, lamps; now, he said he had an oil stove; he must certainly have purchased that oil stove; he didn't get that for 50 cents?

Q. He certainly purchased that oil stove when he first came in here, don't you think that? A. I presume he did, sir.

By Mr. Whittet:

Q. That wouldn't affect the \$10, would it? A. Oh, no; not out of the first amount of money.

By Mr. Hirsh:

Q. But you say you looked in Smith's slips and found nothing?

A. Well, we looked in Mr. Smith's slips and we found where he had purchased goods; yes, sir.

Q. Where are those slips? A. Whatever there is that remains there must be in the closet of Mr. Smith's in the hall.

Q. Don't they all remain? A. I presume he keeps them; that is a usual rule with the hall keeper.

Q. Do you mean to say that Smith's slips have been turned over to the new man, Sullivan? A. Whatever was left in the closet Mr. Sullivan filled out himself; of course Mr. Smith wasn't there to turn them over.

Q. But there was no regular record kept by Smith, a sort of an account? A. I couldn't say that, Mr. Hirsh.

Q. Have you looked to see? A. I have just answered that a moment ago, that we looked through the slips.

Q. But you found only slips, slips of paper? A. Yes, where the groceries were ordered.

Q. Have you found any books showing how much each prisoner was credited with? A. No, I did not.

Q. Did you or the warden ever examine Smith's accounts to see whether he kept straight with the convicts? A. Well, I never examined Mr. Smith's accounts; no, sir; there never was any complaints about it.

Q. Was there ever any money turned over from Smith or from his estate to the new man, to the man who has charge of his department, to Sullivan? A. Any money?

Q. Yes, belonging to the prisoners? A. Well, whatever was in the closet he counted it up.

Q. Who counted it up? A. Mr. Sullivan; he called each man down that had money there to find out how much money there was there belonging to him, and a large amount of money that we keep in the office in the safe.

Q. Do you mean to say that Sullivan, when he took Smith's place went to a closet which Smith had formerly kept and there found money? A. The money is in bags; each man has a bag; as he gets his money each man has a bag, and his name is pinned on the bag, and the amount of money that this man owned is in the bag, and the amount opposite his name on a little slip on the bag, and as the hall keeper pays he deducts that amount out of each one of the bags that the moneys belong to.

Q. Well, that depends entirely upon the honesty of the keeper who has charge of that whether a convict is robbed or not? A. To a certain degree, yes; it belongs to the honesty of the keeper.

Q. So if this \$10 that Carson complains of not having received was actually turned over as you say it was to Smith, it is possible that Carson never got the benefit of it, isn't it? A. It ain't possible, sir, for he did receive the benefit; there isn't any doubt about it, sir.

Q. How do you know? A. Well, he has been living all that time on it up to Mr. Smith's death and he never complained prior to Mr. Smith's death.

Q. Well, he had other money besides that, didn't he? A. In August, 1894, he had \$3.10, when he came in.

Q. When did you say the \$10 was received? A. May 21.

Q. Eighteen hundred and ninety-five? A. 1895.

Q. That is, nine months he lived in the prison then on \$3.10? A. Yes, he lived on \$3.10 up to that time; I suppose he didn't have any money to get anything with after the \$3.10.

Q. Exactly; now, do you find accounts accounting for the \$10 in Smith's slips? A. Well, as I said before, the hall keeper, Mr. Sullivan, went through all their accounts and all their bags to ascertain how much money each had.

Q. I asked you whether you find that Smith accounted for that \$10 received in May? A. No, sir; I couldn't say that because Mr. Smith is dead; it is impossible for me to do that.

Q. And you say that in August of 1895 there was \$5 additional received for Carson and cashed through Doctor Bass? A. No, not in August; September.

Q. In September? A. Yes, sir.

Q. And it was in September that Carson complained about the \$10? A. That was the first we heard anything about his money after Mr. Smith died; that was the first time we ever heard anything of it; he had been living on that, getting tobacco and oil and so forth, whatever he had been drawing.

Q. How do you know he was? A. Well, I presume the slips show that; I don't know, sir.

Q. Did you look at the slips yourself? A. I told you just a while ago, counsellor, that Mr. Sullivan and I looked over the slips and we couldn't find any credit of the money.

Q. What I want to know is, did you find that he received \$10 worth of goods during that time? A. Well, I couldn't answer that, whether he did, sir.

Q. Why couldn't you answer it? A. Because I don't be there to see whether he received the goods or not.

Q. But you say you went over the slips—didn't you say that you counted it at the time to see? A. Well, all the money that he had left, I don't know, Mr. Sullivan told me, I think, was something like 20 or 30 cents, I am not sure which, I can't remember the amount.

Q. Mr. Jones, I don't want you to get away from my question; I ask you this, whether you actually footed up the slips in order to see how much had been expended for Carson for tobacco and so forth during that time? A. Well, the slips, I never footed them up; the hall keeper did that, sir.

Q. You don't know of your own knowledge, either, whether Carson

got anything during that time? A. No, I couldn't swear that he did; I know that the money was turned in.

Q. Did you ever hear any other complaints about any other person with reference to losing money that had been sent here? A. Well, there was one man complained here some time ago, but we haven't heard nothing further about it; we investigated the matter and didn't hear nothing further from him.

Q. Did you investigate it, how, in the same way you did this Carson matter? A. In the same way, yes, sir.

Q. That is all you did about it? A. That is all we did; that is all we could do; Mr. Smith, being dead, he was unable to answer.

Q. Was the complaint in the other matter also made after Smith was dead? A. Yes, sir.

Q. Who was the other man? A. I disremember his name, now, sir; I can find out.

Q. Did he claim that the money was sent to him by his mother? A. No, he claimed he had it here when he came in, and he claimed that he turned it over when he came in, and claimed that he never got any.

Q. Do you consider, as the deputy warden of this penitentiary, that it is the proper thing to turn money over to a keeper when the convicts have money here for their use? A. When the hall keeper has possession of it, sir, when they are serving out groceries, yes, sir.

Q. You consider that is the proper thing to do? A. Well, it has been the custom all the time, sir; all moneys that is received was placed to their credit in the bags.

Q. Do you consider that a proper thing to do, Mr. Jones, a proper method of keeping money, in bags, subject to the honesty only of a keeper? A. Well, it has been the custom all the time, sir.

Q. Do you consider that a proper thing to do, Mr. Jones? A. Well, I don't think it was improper, sir, because we have explicit confidence in the honesty of the keepers.

Q. Did you ever hear a complaint from anybody that he had received money from his mother and it wasn't turned over to him? A. No, sir; I never did.

Q. What becomes of the clothing of a convict that he wears when he comes here? A. If he is a prisoner that comes here for felony, sir, we take their clothes away from them, and we place them in the smoke-house to clean them, and we store them away in the clothes room, and when his time expires we furnish him with a new suit of clothes—the state allows it.

Q. What do you do with the old clothes? A. Well, we use it for other men, probably, who are going out and come in here in a very dilapidated condition.

Q. What right have you to confiscate a man's clothes when he is received here for a felony? A. If a man asks for those clothes and asks to have them sent home, we give him the privilege of sending them home.

Q. Why don't you give them to the men as they are discharged? A. Well, that length of time, counsellor, they would be moth eaten, keep them there three or four years, they would be moth eaten and wouldn't be fit to turn a man out in the street with them.

Q. What do you do with the underclothes that they have? A. We give them their underclothes, sir; if their underclothes are in such condition that they can't wear them, why, we destroy them, sir.

Q. They are not washed and given to them, then? A. Oh, yes, sir; they are washed, sir.

Q. Have you ever had complaints come in from inmates here about the insufficiency of the food, that the quantity furnished is not enough? A. No, sir; I never had any complaint.

Q. There have been numerous complaints made, haven't there, Mr. Jones? A. Not that I know of, sir.

Q. You consider a piece of bread and a can of coffee you serve, a good enough breakfast for a convict to do a half a day's work on? A.

Well, sir, they get nine ounces of bread to each meal, and if a man wants more, by asking he gets it, sir; and he gets very good coffee, too, sir; better than I had when I was to the war, sir.

Q. There is nothing else furnished the convict, either at breakfast or supper, than bread. A. Bread and tea at supper, and bread and coffee in the morning, sir.

Q. Do you consider that enough for a man to do half a day's work on? A. Well, I consider it is pretty fair rations for a man to have to have to do work, sir.

Q. You get something different, of course—you get something different for breakfast? A. Oh, yes.

Q. And the dinner, you get something different, of course, than the convicts for dinner? A. Well, we have the same food, counsellor, that the convicts have; of course, it may be done up in a little different shape, that food furnished at the table down stairs.

Q. Do you mean to say that the food furnished to-day at the table down stairs was the same food furnished to the convicts to-day for dinner? A. They had the same mutton that you men had; potpie they have Thursday; they have mutton stew.

Q. You say that the convicts get the same food that you get, or you get the same food that they get? A. We get it off the same quarter of beef that they do.

Q. That doesn't answer my question; did they have to-day the same food that you had to-day? A. Why, no, sir; they don't get any dessert.

Q. Did they have the same soup? A. No, they had—they had soup to-day; yes, sir.

Q. The same soup that you had? A. Not the same soup that we have, certainly not.

Q. Then, as a matter of fact, they don't get the same food that you get? A. They get it from the same provisions, same quality.

Q. Well, they didn't have the soup that you had to-day? A. No; I agree with you there, sir.

Q. They didn't have the same meat that you had? A. Same meat, yes, sir.

Q. Same quality? A. Same quality, sir.

Q. And what else did they have—the same coffee? A. They don't get any coffee for dinner.

Q. And what do they get—water? A. Had water, yes.

Q. Anything else? A. No, sir; had bread.

Q. What do you call nine ounces of bread, one slice from that loaf or two slices? A. One large slice, yes—one large cut.

Q. And you say that that weighs nine ounces? A. Yes, sir—weighs nine ounces.

Q. Did you ever weigh it? A. Yes, sir.

Q. How thick is that, Mr. Jones? A. Well, it is about three inches thick, sir, and about six or seven inches long, about four inches wide.

Q. Did you ever hear complaint that you haven't got enough covering? A. Occasionally they do, sir—we take the blankets away from them in the summer season to clean them and wash them, and when the cool weather comes in we give them back.

Q. Don't you think now it is too cool for the convicts to be without blankets? A. Well, I only sleep with one light quilt on to home.

Q. And do you sleep on canvas? A. No.

Q. No, I suppose not—you recognize the fact that the convicts only sleep on a canvas, don't you? A. That is all the bedding they have, is a blanket and cot.

Q. Well, that isn't very warm underneath them, is it? A. Well, I don't think there can be much air go through the canvas.

By Mr. Cole :

Q. Won't you have a piece of that bread, nine ounces, cut off and sent up here—let us see how much it is? A. I will do it, sir.

Martin Kelly, having been called as a witness, testified as follows :

The Witness.—I come here a year the first of next month, and my eyesight has been failing pretty bad and I didn't go to the doctor until about three months ago, and the doctor that was here then—he isn't here now—but he and the student examined my eyes and they laid me off, and the elder doctor said to the student, after asking me how long I had to stay—I told him two years and ten months—he says : “ his eyes will be in a pretty fix by that time ;” there is a cataract, sir, a coating forming over them, and since I have come here I find that one of my eyes has gone blind altogether, the left one, and so is this here one, just going the same way.

By Mr. Hirsh :

Q. What do you ascribe it to? A. Well, some disease of the eye, I guess.

Q. Assume that is so; do you ascribe it to anything here in the institution? A. Oh, no, sir; I was affected this way before I came here; I had to wear colored glasses before I came.

Q. Have you anything to say with reference to the conduct of the institution generally, any complaint to make, Mr. Kelly? A. I was laid off and when the regular doctor, I don't know his name, a man that is here now, he sent me to work in the stone shed when I couldn't work in any of the shops, and that stone shed is much worse on my eyes, and the worst work they could put me at; I couldn't see to do any of the other work, and there is dust and dirt coming in my eyes, and sometimes I have seen a stone hit a man in the eye since I have been here; and I have got only the right eye that I can see anything out of; and there is no chance of seeing an oculist; there is none comes here, they tell me, and therefore I have to do the best I can; I thought there might be an oculist here; that is what I would like to see, an oculist.

Q. Have you any complaints to make with reference to the food or

covering that you have here? A. Well, I just get the same as what the others do.

Q. What are you here for? A. Counterfeiting.

Q. You also come from El Paso, Texas? A. No, I come from New York city.

Q. A United States prisoner? A. Yes, sir.

Q. Have you anything at all to say that you want to say, Mr. Kelly? A. I have got nothing to say any further than what you have heard; it is the general complaint.

Q. What is it? A. Why, they get these dinners, for instance; there is enough for me in them anyway, but I am not much of an eater, but get it so often; if we only got it once a week it would be much better than getting soup.

Q. You think there is enough to eat, but there is not enough change, is that it? A. That is about it; as far as I am concerned, I know that the food—the dinner, I never, I can't eat it; I could eat something, if I got something else I could eat it pretty well; I go days and never eat nothing but a piece of bread, and leave the soup, and the beef too.

Q. That is all? A. I tell you one thing I would suggest to you, that the men here, men sick—there is no such thing as a sick ration here.

Q. No sick rations? A. There is no kind of sick rations here until a man is fairly played out, and then he gets put in the hospital; now, for instance, in other places, they have a kind of sick rations.

Q. How do you know that? A. Well, unfortunately for me, I have been in prison before; I was in the Erie county, for instance, and I know there is a sick ration allowed outside of the hospital, and a hospital ration allowed outside of the hospital; and there is a variety every morning for breakfast outside of the bread and coffee, and fruit allowed once or twice a week, probably, during the summer time.

Q. And where was this? A. The Erie county, in Buffalo.

Mr. Hirsh.—That is all, Mr. Kelly.

James W. Cummings, having been called as a witness, testified as follows :

Examined by Mr. Hirsh :

Q. Mr. Cummings, what have you to say with reference— A. Well, I have to complain about the way the dinner pans are used for washing dirty socks in.

Q. Have you ever seen that done? A. I have ; yes, sir.

Q. Who did that? A. The man's name is out of my memory now ; it was the first man I was in with while was I here, and it is still going on now, I believe.

(The deputy warden, Mr. Jones, here produced a loaf of bread, cut into six bars.)

Q. Mr. Cummings, I show you one-sixth of a loaf of bread as it is brought up by the deputy warden, and ask you whether that is the size bread that is given to the inmates here? A. As a general thing, yes, sir.

Q. Well, now, what do you mean by that answer, "as a general thing?" A. Sometimes it is smaller, sometimes larger.

Q. Oh, yes ; but that is the rule? A. Yes ; that is about the size as a general rule.

Q. That is a pretty good meal, isn't it? A. Well, I don't eat it ; I guess it is.

Q. What do you eat? A. I eat outside at present.

Q. Do you buy your bread through the grocers? A. No, I have it sent from home.

Q. Are you a Brooklynite? A. I am ; yes, sir.

Q. Did you ever taste this bread? A. I did ; yes, sir.

Q. It is sweet, isn't it? A. Yes, sometimes ; it is not always.

Q. It is well baked? A. Not as a general thing ; no, sir ; it is not.

Q. What I now show you is well baked, isn't it?

(Witness' attention called to one of the samples referred to.)

A. Yes, that appears to be well baked ; yes, sir ; sometimes you get a piece that is not crusty, it is very soft in the center.

Q. But you get your bread outside? A. Yes, get mine outside.

Q. You have seen, you say, inmates wash their socks? A. I have seen one ; yes, sir.

Q. Did you make complaint about it? A. No, sir ; I did not.

Q. Why haven't you said something about it? A. Well, I don't know why I didn't say anything about it ; I don't know whether it is the usual custom or not.

Q. You say it is done now? A. It is done now ; yes, sir.

Q. Are these dinner pans taken by the inmates to their cells? A. Yes, sir.

Q. At dinner time? A. Yes.

Q. And you eat in your cell, eat your dinner? A. Yes, sir.

Q. And you say that after the pan was empty there you saw their socks in them? A. Yes, sir.

Q. Can you tell me, Mr. Cummings, how a warden or deputy warden or anybody in command can remedy a thing that he doesn't know anything at all about? A. No, sir ; I can not ; I don't know whether he knows anything about it or not ; then there is another thing I want to complain about, this washing in winter ; the floor of that bath-house in cold weather is covered with ice ; when I came here I was in perfect health ; I caught cold there, was taken to the hospital with pneumonia ; at the present time one of my lungs is affected.

Q. The doctor so told you? A. Yes ; and he further gave a certificate to the warden to that effect.

Q. You mean by bathing in the old gas tank? A. Yes, sir.

Q. Well, do you mean to say that in the winter time you bathed in the same place? A. Feet and legs, yes, sir.

Q. Well, is the water the same temperature in the winter that it is in the summer? A. About the same, yes, sir.

Q. Don't they heat the water in the winter? A. They heat it, yes.

Q Well, it is open? A. It is, open, yes.

Q. In the open air? A. The door is open, yes, sir.

Q. How many go in there at a time? A. Twenty-four.

Q. How often is the water changed? A. I can't tell you that; I don't know.

Q. Is it ever changed? A. I don't know, sir.

Q. Is the water constantly running in and running out? A. It has been lately.

Q. Wasn't it before that? A. No, sir, it was not.

Q. Where did you say the ice was that you saw? A. On the floor where you take off—we sit down on benches and take off our shoes and stockings; the ice is on the floor where you have to stand coming out of the bath tub.

Q. Is there anything else that you have to complain of? A. No, sir; I have not.

Mr. Hirsh. — That is all, Mr. Cummings.

Joseph Ennis, having been called as a witness, testified as follows:

Examined by Mr. Hirsh:

Q. What are you here for? A. Receiving stolen goods.

Q. And what is the term of your sentence? A. Five years.

Q. When did you come here? A. Came here twenty months ago, 21st of February, 1893.

Q. Have you any complaint to make, Mr. Ennis? A. Yes, I have several complaints, but I don't know whether I am right, but I rather object to making them before any of the prison officials.

(By direction of counsel, the door of the room was closed, and the sergeant-at-arms directed to permit no one to enter without permission.)

The witness.—My first complaint is the beastly state that this prison is in; those prison walls have been swept twice since I have been in the place; I have seen the dust at least $\frac{1}{8}$ of an inch thick on

the walls ; when I came here I was told to keep myself clean ; how are we to do this ? I have not been given as much as a square inch of rag to do it with, not one single bit of anything has the prison authorities given me to clean my cells with.

Q. Haven't the cells been whitewashed lately ? A. Once, when we whitewashed them ourselves.

Q. When was that ? A. I whitewashed my cell about two weeks ago.

Q. Since that time the cell is clean ? A. It is clean because I keep it clean with stuff that I brought in out of the shops to keep it clean ; and about eleven months ago I was locked up for bringing a little broom in just on purpose to keep myself clean with.

Q. Locked up where ? A. Put in the cooler, in the dark cell.

Q. For how long ? A. For three days.

Q. Who put you there ? A. The deputy warden.

Q. And for nothing but bringing in a broom ? A. Nothing on earth but having that little bit of broom in my pocket.

Q. What shop do you work in ? A. I work in Mr. Walker's shop, the tailor shop.

Q. You make pants ? A. I am not making pants, I am pressing.

Q. What else have you to complain of ? A. Well, the next thing is washing our socks ; as the last man said, he has seen them washed in ration pans ; the prison officials have not supplied anything to wash them in, and they never wash them.

Q. Well, there is a wash house here, isn't there ? A. I have never seen it ; I suppose there is ; our shirts are washed there.

Q. But the socks never are ? A. The socks are never washed ; if you haven't got anything to wash them in you have got to wear them dirty.

Q. Are there any socks furnished to the inmates ? A. Yes ; you can get socks about every two months.

By Mr. Keenholts :

Q. One pair ? A. One pair.

By Mr. Hirsh:

Q. Then what do you do at the end of the two months? A. Do what they like with them; if you haven't got anything to wash them in you have got to wear them dirty, that is all about it; if you can get a pail or anything from the outside you can wash them; and soap, they don't give you any soap here; they put a piece of soap on the wash-stand of a morning, you can use that, or when you wash in the shop; but if you want to wash a handkerchief or a towel, or your socks, you have got to supply your own soap.

Q. Is there anything else? A. Then it comes to food; I wish I could have brought my dinner in that I had yesterday instead of throwing it out; it wasn't fit for a hog to eat; the meat literally stunk; I didn't touch it, and I have never eaten a Friday's dinner since I have been in the place, mind you, and I have no friends outside.

Q. What is the matter with that? A. Well, it is a fish, you can call it fish, but it is so beastly a man can't eat it.

Q. How often do you see the chaplain? A. Any time I like to go up to church.

Q. Do you ever make complaints to him about the food? A. I have never made a complaint since I have been here; there is nobody to make a complaint to.

Q. Don't you see the warden? A. What good is it going in to the warden; he says, "yes, I will see about it," and that is all the satisfaction you get; you never hear anything about it again.

Q. Is the food sufficient, the quantity sufficient? A. Well, we get one meal a day, if that is sufficient for a man, and one of these rations three times a day; now, if you are here this afternoon when the tea is given out I would like you to look at that tea; just go out there where they are taking it from and look at those cups; they might be scrubbed out to-day, very likely they are, but I have seen those cups that I could take, after I pour the tea out, I could take my finger

around it and wipe the dirt off, black stuff; before I come here I have been in the Elmira reformatory; I wonder why these prisons can't be run something like that one is.

Q. What were you in the reformatory for? A. For the same offense—receiving stolen goods.

Q. How old are you, Mr. Ennis? A. I am 27 years old, this month.

Q. And how much of that time has been spent in the reformatory institutions? A. I went in, up in the reformatory, in February, 1891, and I came down in 1893, and up here in 1894.

Q. Is there anything else that you have to complain about? A. Now, there is various little things come here at odd times; now, we are not allowed to make them; I would like to know why we are not allowed in our spare time to make little things; what is this prison for—is it to make us better men or worse men? I say there is not one single thing done in this prison—except Mr. Bass' service—that does anything for our good—to do us any good at all; we come in here after work, and we go into our cells—we are not allowed to do a single thing except read a book; now, there is a library here—we get one book once a week—that has got to last us all the week—all day Sunday; all the rest of the time we have got to sit down and do nothing.

Q. You claim that you want the benefit of your own time for your own labor? A. That I may be allowed to employ myself.

Q. What would you employ yourself at, Mr. Ennis? A. Well, I make various little things.

Q. You would want for that certain tools? A. Necessarily—thread or needles or cloth or anything like that.

Q. And some other inmate would want a knife or a chisel? A. Oh, that is not necessary at all; there is certain tools that is dangerous to be allowed, but there is other things that there is no necessity why they shouldn't be allowed—for instance, they allow you

musical instruments ; now, we are not all of a musical turn of mind ; well, we could do something else, but we are not allowed to do anything else.

Q. You appreciate that there would even be danger in having needles at the penitentiary ? A. Oh, there is needles by the hundreds—they use them all through the shops.

Q. When the keepers are present ? A. I think I got one here now, if I am not mistaken ; yes (producing a needle from under his coat), here is a needle, and I will bet you there is over—I think there is every man in the prison has got one ; what danger would there be in that ?

Q. You are not permitted to use them in your cell ? A. No, you are not permitted to use them, not in making anything—for instance, in making a watch chain ; you know there is a good many watch chains made up here ; if you make them and get caught with them, why you get locked up.

Q. Why is that ? A. That is more than I can tell you, why it is ; you simply do get locked up, but I suppose it is against the rules ; there is another case ; there is no rules in this prison ; in Elmira, when you go up there, you are taken in at each department and told the rules, and those rules lasts you all the time you are there ; you go by them and you never get into trouble ; they have got one thing here one week, another thing another week, and something else the week after.

Q. Is there any other complaint that you have, Mr. Ennis ? A. No, I don't think that there is, except the food, the tea and the cups, the general dirt of the prison.

Q. Well, hasn't that been remedied lately ? A. I haven't seen any remedy in it ; once in a while they do clean up, certainly, once or twice a year, I think it is, they clean up.

Q. How about the blankets ? A. I have been here—I was just going to mention that—I have been here now very nearly twenty

months, all but a few days, and my blankets have been shaken once and that was about three weeks ago.

Q. During all that time? A. During all that time.

Q. Never been washed at all? A. Never been washed.

By Mr. Cole:

Q. And you never have had but one any of the time? A. I have had two blankets during this summer, but now I have only got one; I suppose we will get another later on, I don't know.

Mr. Hirsh.—That is all, Mr. Ennis.

Carmi Rivenberg, having been called as a witness, testified as follows:

Examined by Mr. Hirsh:

Q. What are you here for? A. I am here for highway robbery.

Q. How long have you been here? A. I have been here about 17 months.

Q. What is the extent of your sentence? A. Four years.

Q. Have you any complaints to make? A. Yes, I have got complaints to make about the bedding and about what we get to eat.

Q. Well, just state exactly what there is? A. Well, we have got one blanket now, and the prison is very cool of a night, and it is not enough over any one; there is one blanket—is all we have.

Q. You suffer from the want of covering? A. Yes, sir; I ain't slept good for two weeks now on account of the cold; it is very cool now nights and one blanket is not enough.

Q. And how about the food? A. The food, it is just—well, there is what we get of a morning (indicating bread sample referred to heretofore), and another one of them pieces and a cup of tea; then they expect a man to do a task when he goes over to the shop, and I have seen them locked up if they don't get done.

Q. And they are locked up if they don't do it? A. Yes, sir.

Q. There is a good deal of bread in one of those pieces? A. Yes, there is a good deal of bread in one of them.

Q. But you claim there is not enough in it to give you strength for your task? A. No, sir; and then lots of times it is not baked well.

Q. Have you ever been locked up in the cooler? A. No, sir, I have never been locked up.

Q. How old are you? A. Twenty-two.

Q. Ever been in any other institution of the kind before? A. No sir, this is the first.

Q. Where do you live when you are at home? A. I live—my home is in Colorado.

Q. Are you a United States prisoner? A. Yes, sir.

Q. The crime for which you were convicted was committed where? A. In the Indian territory.

Q. Any other complaint that you have to make, Mr. Rivenberg? A. Yes, sir; we work in the shop up there, and it is cool; there is all there is on us (indicating the prison shirt and coat and vest); we are supposed to take off our coat.

Q. Take your coat off? A. Yes.

Q. Keep your vest on? A. Yes, sir; And then there is no underclothes at all.

Q. None furnished? A. No, sir.

Q. Isn't the shop a warm shop? A. Not very, no, sir; I have seen it there last winter when it was cold enough to freeze in the shop.

Q. Well, is there any steam heat in it? A. Why, yes, the steam pipe is there, but it seems like they don't keep them warm.

Q. Do you know whether there is much suffering from the want of heat? A. I know I suffer terribly from the want of warmth.

Q. You have no underclothing whatever? A. No, sir.

Q. Have you any friends that furnish you anything? A. No, sir; I have got friends that furnish me a little money.

Q. How do you go to bed; with your clothes on? A. Yes, sir.

Q. All your clothes on? A. No, sir, don't sleep with my coat on

Q. But you sleep with your pants and vest on? A. Yes.

Q. Well, do you ever take them off? A. I take them off Saturday's when I get in the bath.

Q. What do you wear Sundays? A. Just the same as I have got now.

Q. You say you take them off Saturdays, you mean Saturday night? A. Saturday we get a change.

Q. Oh, you use the bath? A. Yes, sir.

Q. So the only time that you take off your clothes from week to week and from month is Saturdays when you take a bath? A. That is in the winter time, yes.

Q. How in the summer time? A. Oh, in the summer time it is warm enough.

Q. Do you take your clothes off in the summer when you go to bed? A. Pretty near all of them; yes, sir.

Q. That is the general life in the prison of all the prisoners? A. Yes; some of them have friends send them underclothes; they are all right; others have not; if any one has got money, why, he can send out, they can get something to eat.

Q. Well, you say money is sent to you at times? A. Yes, sir; I have got folks here in New York.

Q. And you use that to buy things to eat? A. Yes, sir; if I didn't have it I would sit in the dark most of the time at night; no light at all.

Q. No light furnished you? A. No, sir.

Q. How has been your accounts so far as money is concerned, all right? A. Yes, it is kept all right.

Q. You have always got what was sent to you? A. Yes, sir.

Q. Did you ever hear any complaints by other inmates, that they didn't get their money? A. No, sir.

Q. Have you any other complaint to make, Mr. Rivenberg? A. No, sir, I believe not.

John O'Neill, having been called as a witness, testified as follows:

Examined by Mr. Hirsh :

Q. What are you here for? A. For attempt burglary.

Q. From Brooklyn? A. Yes, sir.

Q. When were you sentenced? A. I was sentenced on the 27th of July, last year.

Q. Eighteen hundred and ninety-four? A. Yes, sir.

Q. For how long? A. Two years and six months.

Q. By Judge Moore? A. Yes, sir.

Q. Have you any complaint to make with reference to the prison here? A. Yes; the shop I am working in, it is a very cold shop; your hands is very cold, and during the cold weather they don't put on steam enough, and in the cells there is not sufficient covering there to protect you from the cold in the night, and it is impossible to sleep; you have to accomplish a task the next day just the same.

Q. What shop are you employed in? A. One of the worst shops here—the waist shop.

Q. The waist shop? A. Yes, sir; ladies' waists they make.

Q. Isn't there any steam there at all? A. It seems it is so high up that the lower floors get the most of it before it reaches on the top.

Q. Have you made any complaint about it? A. It ain't no use making any complaint; the keepers know what it is; it has been so cold there they allowed us to keep our coats on, and last winter they had to shut down for about three hours to get steam enough up to run the machines, and then taking it out of the shop.

Q. Have you any other complaint to make? A. Well, I wish to make a statement here; you gentlemen is here at present for to investigate this prison, the workings of it; I have been here before, and I could tell quite a story about the running of the hospital; I have been a nurse there for 2 years and 6 months, steady.

Q. The hospital in the penitentiary? A. Yes, sir.

Q. In this penitentiary? A. Yes, sir.

Q. When did you first come here, Mr. O'Neil? A. Came here March the 1st, 1887, under Warden Green.

Q. And how long were you an inmate here then? A. For 5 years; and in 1888, in March, I was transferred to the hospital and remained there during my time; that was in the 30th of September, 1890; and I have seen under Warden Green the treatment that the patients up there got—very good treatment; they got rice pudding once a week, tea-biscuit of a Sunday, and the food the keepers ate; when Warden Hayes came here he cut that all down; we were allowed 2 quarts of cow's milk to give the consumptives, and he cut it down to 1 quart, and then finally he cut it down altogether; the man that brought it up, so the report says, used it for his own table; we used to get milk punch up there for those men that was on the point of dying, and he stopped that; he cut down the sugar; Miss Van Delf came up there with lemons—a lady comes here, Mr. Bass' friend, and she gave me lemons and asked if I could make lemonade for the patients; I told her I couldn't because I had no sugar; she seemed to be surprised, and she says, "why, don't you get no sugar here;" I says, "no, ma'am, been cut down, don't get anything at all like that;" "why," she says, "how is that?" I says, "I don't know;" under Warden Green we were allowed 30 pounds a week, drawed it every week, and she says, "well, I must see the warden about that," she says—and next week she came and she brought some sugar and she says, "didn't you get no sugar yet?" I says, "no, ma'am;" "why," she says, "you know this sugar costs something, and" she says, "I have had to buy it out of my own pocket, but if you are so hard up as that" she says, "sooner than to see you go without it, I would sooner buy and supply the men with it, and in the meantime," she says, "I will have another talk with the warden;" the next time she came and says, "did you get the sugar yet?" I says, "no, ma'am;" "why," she says, "I met the warden on the car going home the other evening and he gave me a promise that he would give it to you the next day, and he didn't?" I says, "no,

ma'am ; ” “ well,” she says, “ I must go down and have another talk with him ; ” so, after three weeks, finally we got the sugar ; we would never got it without Miss Van Delf.

Q. You are now employed in the waist shop ? A. Yes, sir.

Q. Is there anything else you have to say ? A. Yes, sir ; they put a task on us over there that is almost impossible to do, and if we don't do it we are locked up.

Q. Have you ever been locked up ? A. No, sir ; I have never had a keeper to speak to me since I have been here.

Q. Then you are able to do the task ? A. Some I have and others they have got on us now, put on us Saturday, the woman instructors can't do two dozen a day themselves, and they want us to do four dozen, and I am pretty confident of accomplishing as much as they are—they can't do it and want us to do it, and if you don't do it, a batch would be locked up, 30 or 40 men would be locked up every Monday—well, there has been 30 and 40 men on Monday and Tuesday, two days in succession, for not accomplishing their task.

Q. Locked up where ? A. In the cooler.

Q. Have you ever been in the cooler ? A. No, sir.

Q. How do you know that there will be 30 or 40 men locked up to-day ? A. Because on Monday that I was in the line they were hauled out of the line—we were to stand on one side of the shop.

Q. Were you one of those called out ? A. No, sir.

Q. How is that ? A. Well, the task, I was fortunate enough to accomplish, but there is other men, they don't seem to be as smart as others. I was one of the lucky ones, and if I didn't accomplish it I had an assistant that used to help me.

Q. Have you ever been in the cooler ? A. No, sir.

Q. Is there anything else that you have to complain of ? A. Only the treatment in general that every one of us gets here, it is pretty severe.

Q. What is there severe about it ? A. Well, the punishment in

the cooler. They take the oil stoves away and the lamps, stop your visits and writing.

Q. Do you mean to say you have any difficulty in communicating with your friends? A. Well, if you are under punishment they don't allow you to write.

Q. Well, if you are not under punishment? A. Yes, sir, quite a difficult thing.

Q. Why? A. Well, you can't get word to your friends.

Q. Can't you always get word through Doctor Bass here? A. Well, I never had the pleasure of calling on Mr. Bass. I had that privilege, the same as others, saw he was a very good man to the prisoners in general. Mr. Bass is one of the best men that comes to this institution. Everybody acknowledges that.

Q. Do you ever try to communicate to your friends through the doctor? A. No, sir. When my friends stop coming here I didn't wish to send for them, for the same reasons they knowed I was here.

Q. Don't the prisoners generally know that they can communicate to their friends through Mr. Bass, if they want to? A. Yes, sir

Q. Is there anything else that you have to complain of? A. Yes At the present moment we are only allowed one blanket in a cell, and it is quite cold at night. They only took them away here two weeks ago. It was rumored around that there was going to be an investigating committee here, and they have been cleaning up ever since and took the blankets out to wash. We ain't got them since.

Q. How was it known that there was to be an investigating committee here? A. Well, the prisoners gets a paper now and then and they read it.

Q. And communicate the news to one another? A. Yes, sir.

Q. And there has been a general cleaning of house along through the penitentiary, has there? A. This last two weeks, yes, sir.

Q. Is there anything else that you have to complain of? A. Only this. I think now after me giving my statement here, I am

surely that I will have to look out for myself in the future. I have never been punished yet, and I hope I won't be taken my time, but I have that dread, that coming before you gentlemen, I will be one of those that will be marked out; but I would sooner come and tell you.

Q. I want to say this to you, and I want to say it to all of them that come in. I have not said it to them all. The State will absolutely protect every man who testifies and gives his statement before this committee, and if anything is found in any wise, that any man who has appeared before this committee has been punished because he has been before it, the State will take such measures as to prevent anything of that kind in the future. Mr. Bass is always ready to be communicated with, and I will ask Mr. Bass to communicate to me any complaint that is made by any prisoner that he has been punished or hardly used by reason of his testimony before this committee. Is there anything else? A. That is all.

Lawrence O'Toole, having been called as a witness, testified as follows :

Examined by Mr. Hirsh :

Q. What are you here for? A. I am here for an attempt at grand larceny.

Q. How old are you, Mr. O'Toole? A. I am 30 the 22^d of next February.

Q. When were you sent here? A. I was sent here the 28th day of June, last June.

Q. Eighteen hundred and ninety-five? A. Eighteen hundred and ninety-five, yes, sir.

Q. What is the extent of your sentence? A. The extent of my sentence is one year.

Q. Have you any complaint to make, Mr. O'Toole? A. Yes, sir.

Q. I want you to state it? A. Well, in the first place, I don't want to make myself too big, but I think it was wrong in you gentlemen letting this warden know that you were coming here.

If you didn't let him know, he knows some way, because there was a big dead rat laying over in front of that cook house for the last ten days. Somehow they got wind that you were coming here and they whitewashed up and done a lot of things around and removed the dead rat. I got a piece of meat to-day in my pan that I think that the dogs out in the yard would absolutely refuse to eat it. When I was here the last time, I was sent here the first of March, 1887, with this man that just left, for five years. When I was here three months I had a quarrel with a runner in the shop, a prisoner, about breaking my knife. He broke my knife, a shoe knife, and I had it in my hand showing it to him where he broke it. He broke the blade about that far from the handle (indicating), and I had it in my hand showing it to him. His name was McMahan. I says, "Mac, you broke this knife. I only got it this morning. You talk to the instructor and tell him that you broke it, because he said if I broke another knife he would get me locked up, and if I didn't break it you don't want me locked up." I said, "Mac, you speak to the instructor and tell him just how it was, you broke this." So McMahan, he says to me, "I didn't break your knife." I says, "You broke the knife, but maybe you didn't mean to." He says, "If you say I broke your knife again, I will smash you in the nose." Says I, "Now, that'll do, you won't smash me in the nose. I got seventeen months short time and I don't want to lose it." With that he did it. I had the knife in my hand. I went to push him away and the keeper came in and while the two of us were that way the keeper hollers to me, "get away." I had the knife in my hand and the blade here. In pulling out my hand the knife caught the man here and cut him a piece. It bled some; it wasn't dangerous, though. The man told the warden himself that it was an accident. He says it wasn't an accident, he was stabbed. The doctors said he wasn't stabbed. The druggist at the time said he wasn't stabbed. I was locked up for ten days for that.

Q. In the cooler? A. Four days in the dungeon. The first day I was in the dungeon I found a big rat up here (indicating trousers' leg). I felt something under my trousers, I put my hand there, and I put my hand up and pulled it out and slung it down in the dungeon, and I found it there four days after when I was taken away to go into the cooler. The dungeon is 15 feet under ground and the cooler is right up over it.

Q. The dungeon isn't there now, is it? A. Not now, no, sir. It has been since Warden Hayes has been here, though. Well, that was when I was three months here. For the rest of my time I behaved myself, was only locked up once for taking a piece of paper out of the shop. That was about three years more after. I was only locked up 24 hours and I got that for a piece of paper. Well, for three years and four months after that accident in the shop I behaved myself and worked hard; never made any complaints or anything, and worked hard. Warden Hayes had me taken down there and measured for my clothes to go home with. I was to go home the 30th of September, 1890. Had me measured for my clothes to go home and let me raise a moustache, and give me everything to believe I was going home. When the 30th of September came I didn't go home. Well, I knew myself, that I would lose a couple of months anyhow for that. So, when they were all going in to see the warden about their short time I goes in to see the warden about my short time. I says, "Warden, I come in to see if you wouldn't please be so kind as to let me know how much good time I forfeit." He says to the bookkeeper, Mr. Hennessy, "just tell O'Toole when he will be discharged." Mr. Hennessy looked a long while. I expected him to say a month or two. Mr. Hennessy looked at me and says, "O'Toole will be discharged September 15, 1891." That made me lose 11 months and 15 days for that. I looks at the warden. The warden says, to make me feel worse, "oh," Mr. Hennessy; oh, no, Mr. Hennessy, he couldn't have lost that much; oh, no, he couldn't have lost that much. Just look over it again,

see if you haven't made a mistake. Mr. Hennessy looks over the books. He says, "Oh, no, no mistake, that is right." I turned around to the warden, I says, "Warden, I don't think that's right. I have friends that will write to the governor and find out. I don't think that's right. I oughtn't to lose all that time. The commutation book don't say that, don't say that I should forfeit all that time for that, even." I says, "If I did do it intentionally, and the commutation book don't say I should lose all that time." "Well," he says, "tut, tut," — "Oh," I says, "that's all right, I will see about that." "Tut, tut, we have got places for the likes of you now." I walks out and went to the shop and done the rest of my time never complained or nothing; done the rest of my time. I was discharged here — he didn't even tell me the right day I was to go home, He said the 15th day of September. Instead of that I went home, on the 14th of September. When I was discharged from here, after serving four years, six months and fifteen days solid, I was discharged out of here without being given five cents; and a suit of clothes—I went down to St. Phoebe's mission—I was ashamed to wear the suit of clothes—I went down to St. Phœbe's Mission—I could have got work, I tried to get work, and they would look at the ill-fitting clothes—the vest came away out here on me, and I looked terrible. Everybody looked at me when I asked for a job. I think they knew they were penitentiary clothes. Anyhow, I went up to a lady named Mrs. Taylor, St. Phœbe's Mission, she gave me a coat and vest. I wanted a little money to get some things, and I pawned the clothes I got out of here. I got 35 cents on them. That is the best I could do. Tried three or four pawnshops, and I got 35 cents on the suit, pants and vest, and not a penny going out of here; and the only thing I have got to complain about now, on this time, I am getting along well enough now, except that the food they give you is not fit for anybody to eat. It is all right when it comes in here, the food looks to be all right when it is carted in here, but the people they

have in the cook house, they have got nobody to superintend it, only a lot of bums comes here three months, six months, sixty days, and maybe a year, and they have got one long term man over there, in fact, is superintendent over there, a lot of bums that is just about all you can call them, the head cooks over there and everything. There is nobody else cooking. Well, the potatoes we get in our dinner to-day has been steeped yesterday morning in water, steeped in water yesterday morning, we get them to-day. Now, if they would put less water in the soup and give you what they do when it comes to you, I think it would be better. That is what I think. Then, again, the mail that comes here, I don't think they give that out right. I have had a talk with men here — I have been in the cell with a man that has been in State's prison. He says, even in State's prison, they will give you your mail twice a week.

Q. How often do you get it here? A. You will just get it once a week, every Saturday night. Now, say this Saturday night, your letter comes this evening, if it comes in the last mail and the letters has been given out in the prison, you won't get your letter until next Saturday, if it is in the short term side, even if your mother is dead, or anybody is dead, and maybe have a chance to get to the funeral by paying a fine or something like that. You don't know nothing at all about it until the next Saturday night.

Q. Is there anything else? A. No, I don't think there is anything else I have got to say.

Q. Do you get the letters just as they are sent, Mr. O'Toole? A. No, sir.

Q. What, then? A. A letter that is sent to you here is read by, well, maybe a dozen keepers. They can pick it up. Your letter is sent to you, it is sent in to the hall keeper. First it is read in the office, I suppose, then sent to the hall keeper, then every keeper, when they have their supper, come right in and pick it up and, "Who's this to?" read it, throw it down—"Oh, my, to his girl, that fellow is in love, anyway, and she's just as bad"—

Q. How do you know that? A. I am in the cell now with the man that was head hall man when that little colored man was in there, that sees that. He is now tierman. He sees all that. His name is Coin. I know myself a letter that I sent out, any keeper can read it. In any other prison, State prison, in New York, it is read by the chaplain.

Q. Is there anything else? A. That is all I have got to say, only I have got some remarks to say. I hope that—I have got a pretty good job. I haven't no task; all I got to do is to keep the machines going. I am just boring holes. I can't complain about the work. I have got pretty easy work over there, nothing to complain about the work—but the warden can take me off the work and put me on a machine where it is pretty near impossible to do a task, and by getting locked up once I forfeit some of my good behavior time. I have only got two months to lose, but I don't want to lose that. I have been here four months, nearly —

Q. You find no difficulty in communicating with the chaplain?

A. Well, yes—well, no, I can see Mr. Bass every Tuesday.

Q. If any thing of the kind you anticipate should happen I want to know it, and want to know of it at once. We will take care of the other end of it? A. All right.

Mr. Hirsh.—That is all.

Frank Hendricks, having been called as a witness, testified as follows :

Examined by Mr. Hirsh.

Q. Where do you come from? A. Fort Smith, Arkansas.

Q. United States prisoner? A. Yes, sir.

Q. Sentenced for what? A. Horse stealing.

Q. Crime committed where? A. Indian Territory.

Q. How old are you? A. Twenty-one.

Q. How long have you been here? A. Fourteen months.

Q. How long were you sentenced for? A. Three years.

Q. Have you any complaint to make regarding the prison? A. Yes, sir.

Q. What is it? A. I have got rheumatism in both knees, and the warden has got me on a machine and I can't stand it. I went to him to take me off and he wouldn't do it.

Q. Has the doctor examined you? A. Yes, I have been before the doctor several times. He has taken me off once, and the warden put me back last week. I was in one shop and he took me out and put me back in another one.

Q. Haven't you the opportunity of seeing the doctor again? A. I went to him and told him they had me on the machine again, and he told me he didn't care if they had me on a church steeple. I never went to him any more.

Q. When did he say that to you? A. Last week, I think it was.

Q. Do you find that you can't do the work? A. Yes, sir. When I sit awhile on the treadle my legs get stiff and I can't do it.

Q. What is the work that you are assigned to? A. Ladies' waists.

By Mr. Chambers:

Q. And the machine runs by foot power? A. Yes, sir.

By Mr. Hirsh:

Q. Is there any other complaint you have to make? A. Yes. We don't get enough bed clothing, I don't think, one blanket.

Q. Is there any other? A. No, sir; that is all.

Q. What do you say about the food? A. Well, the food, the dinner part of it, is all right, all except Friday, and every night the tea ain't fit to drink. I don't drink it at all. I only get a piece of bread like this.

Mr. Hirsh.—That is all.

Wesley Robbins, having been call as a witness, testified as follows:

Examined by Mr. Hirsh:

Q. Where do you come from? A. Indian Territory.

Q. And you are a United States prisoner? A. Yes, sir.

Q. Sentenced for what? A. Larceny.

Q. Larceny of what? A. Horses.

Q. Did you come at the same time as the last witness that just went out? A. No, sir; he come a while before I did.

Q. Come from the same place as he does? A. Yes; come from the same court.

Q. How long is your sentence? A. Five years.

Q. Ever been in prison before? A. Yes, sir.

Q. Any complaint to make here, Mr. Robbins? A. Well, sir, yes, I have.

Q. What is it? A. Well, our grub. We ain't getting anything to eat to amount to anything. What we are getting we can't eat.

Q. Is that about the sized piece of bread you get? (Indicating sample heretofore referred to.) A. Just about. Well, it is a little bigger than the piece we generally get.

Q. Isn't it good bread? A. No, sir, it is not. It won't digest on a man at all.

Q. Isn't that good? A. Well, it looks tolerable well. We don't get as good bread. That is whiter looking bread than we get. I got bread myself, I got at noon, I can show you is hard now, so hard you can knock a man down, laid over from noon.

By Mr. Cole:

Q. Get it to-day noon? A. Yes, I got a small piece of that.

By Mr. Hirsh.—(To Mr. Pladwell.) Will you ask keeper Jones to go with you and the witness and bring the piece of bread that he got.

Mr. Pladwell.—I can get it without the witness if he is there.

The Witness.—Then Thursday and Friday they have goat and fish here. I can't eat it. I haven't done it.

Q. What have they got? A. Goat. Yes, that's what I call it.

Q. What is it, in fact? A. I suppose it is goat, that's all I know about it, and this fish looks like it has been put up a year or two

and a man can't eat it, that is all there is about it. Two days you just get one piece of bread and a cup of tea at night. I am so weak I ain't able to do anything. My work ain't so powerful hard, if I just had something to eat. My work don't hurt me, it just really gives me good exercise.

Q. What are you working at? A. I am using a hand press, pressing seams down in the tailor shop.

Q. Thursday, you say? A. Thursday and Friday.

Q. Friday is fish day? A. Fish day, yes, sir.

Q. Is there any difference in the meat Thursdays or any other meat day? A. Well, I guess so, that is what we get ever since I have been here, that is what we get them days.

Q. Is there any other complaint you have to make? A. Well, I don't know as there is.

Q. How is it about blankets? A. Well, now, there is the blankets. Lately they have taken our blankets away from us, about a couple of weeks ago, and now the nights are getting cool, and we only got one blanket. We had two blankets but now we have only got one, and last night me and the man in my cell with me, we both slept cold, and my cell mate went to see Mr. Sullivan this morning, and he says, "Well, we'll see about it," and that is the last of it. I don't know whether we will get it or not. Have to sleep with our clothes on, as a general thing, our coats, cold nights that way.

Q. Is there any other complaints that you have to make? A. Well, I don't know as they are.

(The piece of bread referred to by witness produced.)

The witness.—Here is my bread at noon. Your bread is softer and your bread is thicker than mine. That is just a blind showed you. We don't get that kind of bread. When that lies over night a man can't eat it, I can't eat it, my stomach won't, because I can't take it. That is right. We are just starving to death, I tell you. I have been here a little over a year now. I think if I get something to eat, why I'll go out all right. Living in hopes, anyway.

Q. That is all you get, bread, in the morning? A. We get bread in the morning and a cup of tea.

By Mr. Whittet :

Q. Coffee? A. No, sir. I don't know what it is, it is not coffee, because I have a little money here once in a while and I buy coffee, and it is not a comparison to that at all.

By Mr. Cole :

Q. What prison were you in before this? A. Columbus, Ohio.

By Mr. Whittet :

Q. A United States offense again? A. Yes, sir.

By Mr. Hirsh:

Q. For the same thing? A. Yes, sir.

Q. Well, they usually hang people out there for that offense, don't they? A. Well, now, sometimes they catch a man and mob him, but it is not often. They didn't get me, as it happened.

Billy Redmouth, having been called as a witness, testified as follows :

Examined by Mr. Hirsh :

Q. What are you here for? A. I am here for whiskey and larceny.

Q. Where does the whiskey come in on that? What do you mean by whiskey and larceny? A. Oh, you mean, what was my crime?

Q. Yes? A. It was for introducing and selling in the Nation.

Q. Where do you come from? A. From the Creek Nations, Indian Territory.

Q. And how long were you sentenced for? A. Five years and four months.

Q. Was that your first offense? A. Yes, sir.

Q. Never been in prison before? Never was.

Q. Have you any complaint to make regarding the prison here?

A. Yes, sir. I don't get enough to eat here. All they give us here in a week, every day except Friday here, they give us a piece of meat, one or two mashed potatoes, and on Friday they give us rotten fish that no decent man could eat it at all.

Q. Do you know whether the food is a matter of general complaint among the convicts here? A. No, I couldn't tell nothing about that, but it don't hardly agree with me, I know.

Q. Have you heard any complaints from anybody else? A. Yes, every prisoner here complains about the grub.

Q. How long have you been here? A. I have been here ever since 1893, November 23d.

Q. Well, you look in a fair state of health now, Mr. Redmouth? A. Oh, yes, but I am failing a good deal since I have been here.

Q. You have fallen away a good deal? A. Yes, I am more worser this year than I was last year.

Q. What do you work at? A. I works in the tailor shop.

Q. Making pants? A. Yes, pressing pants, same thing.

Q. You say that there is not enough food? A. No, sir.

Q. What is the quality of it? What kind of food is it, is it good, or does it smell bad, or what? A. Well, the meat here, seem like it is rotten, to me.

Q. Well, is it always that way, or only sometimes? A. It always that way, and the fish, it is plum wrong. You could smell it just as soon as it comes into the pan.

Q. Ever make any complaint about it? A. Made a complaint last August, I believe it was.

Q. To whom? A. To the inspectors what was here.

By Mr. Whittet:

Q. The United States inspector comes around? A. Yes, sir; the United States inspector was here in August, I think it was. I just forget what time it was, but it was sometime in August.

By Mr. Hirsh :

Q. What was done about it then? A. Nothing done about it, didn't do no good.

Q. Have you any complaint to make? A. Well, in the winter, no underwear for wearing at all.

Q. Your clothes are not heavy enough that are furnished you? A. No, sir. We have hard winters here every winter.

Q. Have you ever been suffering from any illness or disease since you have been here, by reason of the cold? A. Yes, I have been playing with the fever, and sometimes a little pain and one stuff and another. When I would go to the doctor, he would just send me out to work, say nothing the matter with me, or something like that. So you could go to him saying you got a pain in the side, and he will give you a dose of salts or a dose of oil, that is the only medicine he ever gives a prisoner here.

Q. Is there any other complaint that you have to make? A. No, sir; not at all.

Q. What is the treatment generally? A. Well, the treatment is all right here; of course, I have had no trouble since I have been here; I behave myself pretty good here.

Q. If a man behaves himself he is treated well? A. Yes, sir.

Q. With the exception of the food and the clothing? A. Yes, sir; that is all it is here, our treatment here, is the food and the clothing; then the doctor don't take no — or give you anything if you are sick, or anything like that.

Bud Smith, having been called as a witness, testified as follows :

Examined by Mr. Hirsh :

Q. Where do you come from? A. Paris, Texas.

Q. What are you here for? A. Horse stealing.

Q. First offense? A. Yes, sir.

Q. Never been arrested before? A. No, sir.

Q. How long are you sentenced for? A. Three years.

Q. When were you sentenced? A. On April, 1894.

Q. April last year? A. Yes, sir.

Q. Have you any complaint to make here, Mr. Smith? A. Nothing, only about our bedding; it is very light.

Q. Not warm enough? A. No, sir; after 12 o'clock I don't sleep any.

Q. Too cold to sleep? A. Yes; only got one blanket.

Q. How long has that been? A. That has been about three weeks, four weeks, since taking the blankets away from us.

Q. But before that you had enough? A. That I don't know; you can imagine whether it is enough or not; it was pretty cold sleeping in the winter, two blankets.

Q. They don't give you any more than that in the winter? A. No, sir; and no underclothes at all, we have no underclothes; just a little old thin shirt like this; it is pretty cool.

Q. Is there any other complaint that you have to make, Mr. Smith? A. The grub—the grub is awful; a man don't get nothing hardly to eat at all.

Q. Don't get enough? A. No, sir; Fridays I don't suppose half of them fetches the grub in, what they get.

Q. That is the fish and potatoes? A. Yes, sir.

Q. What is the matter with that? A. Well, the fish, you can smell them.

Q. Is there any other complaint you have to make? A. Oh, well, I think we ought to have some time; we have to get up before daylight and eat breakfast, and we have no light to see in the cells, and it is awful dark in the cells.

Q. You are not furnished with any oil or lamp? A. Well, we have been for awhile, and they have cut that off from us; we were getting a quart for 10 cents and they have cut that off, now, and we have got no lights, and a good long ways away from home, and I haven't got no money to get it—if I had the money, they sell it.

Q. Is there anything else that you have to complain about, Mr. Smith? A. No, sir.

Q. What is the treatment, generally, in the prison? A. Well, it is well enough, all but the grub, and bedding and clothes, as well as a man can expect to get; can't expect to get the best as a prisoner.

John Reeves, having been called, testified as follows:

Examined by Mr. Hirsh:

Q. Where do you come from? A. I come from the Territory.

Q. Indian territory? A. Yes, sir.

Q. What for? A. Well, I was accused of being implicated in some horses.

Q. That is, in taking them from their owner? A. Yes, sir.

Q. The only time that you were so accused? A. Yes, sir.

Q. How long were you sentenced for? A. Five years.

Q. When were you sentenced? A. I was sentenced the 24th of August.

Q. This year or last? A. Last year.

Q. Have you any complaint to make with reference to the prison here, Mr. Reeves? A. Well, I have; yes, sir.

Q. What is it? A. Well, one thing, we don't get enough clothing, I don't think.

Q. The blankets are not enough? A. Blankets! I have been here now a little over 13 months and I haven't had but one change of blankets, and that there took place about two weeks ago, and I have got one thin blanket now.

Q. Then the change of blankets was made from two to one? A. Yes, sir; I have been here 13 months, and I slept on two blankets for 13 months and I got one blanket now; they changed these other two, you know, and gave me a clean blanket, and I have got one blanket now.

Q. Is there any other complaint you have to make? A. Well, the

grub ; we have a very good dinner four times a week ; but that codfish, it is not—I don't like it—to tell the whole truth about it, I don't like it, nor nobody else.

Q. The matter that you don't like it is not a matter for criticism at all—is it good ? A. No, sir, it ain't.

Q. What is the matter with it ? A. Well, when a man goes to fry it—cook it—it is very stinking stuff, and it don't digest in a man's bowels ; I have went as high as seven and eight days here, never had a passage, and when I go to the doctor to get some medicine for to move my bowels or something, why, give a man a cussing, and send him back to the shop, like enough.

Q. Is the food good enough that you get—get enough to eat ? A. No, sir ; the food, if we had a little more to eat—supper or breakfast, or something like that—why, we would get enough to eat ; but supper and breakfast are nothing but a piece of bread and cup of hot water, you might say, and our breakfast is the same.

Q. Is there any other complaint that you have to make, Mr. Reeves ? A. Well, there is our oil ; we have been getting oil, but we have not got any oil now in about five or six weeks ; have to sit in the dark there all the time except the gas light burning there, and they don't give no oil at all to read by, nothing of the kind ; if we had some oil for to keep in our cells, to burn in our cells at night, so we could read, why, that would be very good, I think ; a man could pass away the time pretty well.

Q. Is there any other complaint ? A. Well, as far as anything else is concerned, I don't think I have anything else much except the work ; our work is tolerable well ; we have a task, and if a man can't do his task he is locked up.

Q. Have you ever been locked up ? A. I have been locked up three times.

Q. For failure to do your task ? A. Once, yes.

Q. And the other times ? A. Well, once for passing in a song ballad to another man.

A. And another time? A. And another time for burning a pair of pants.

Q. That is, spoiling your work? A. Yes, sir.

Q. How long were you in? A. I have been in seven days and eight nights.

Q. Altogether? A. Yes, sir.

Q. How long at a time? A. Well, two days and nights, one time, and three days, three nights and a little over, two days another time. Seven days and eight nights I was put in the cooler.

Q. Is there any other complaint? A. And once I got a lick in the shoulder with one of the keepers for breaking the line; and I didn't do it—the boys were all pushing.

Q. What did he do to you then? A. Done nothing, only hit me.

Q. Hit you, with what? A. A club—it wasn't these clubs they carry around here.

Q. Where did he hit you? A. On the shoulder—there was a blue place on my shoulder there for a month where he hit me, and Mr. Hayes—I told Mr. Hayes about it; well, I got the benefit of the doubt; that is the way it went; I got the benefit of the doubt; but this is a very good place, I suppose for a criminal—if we had a little more to eat and a little more to wear.

Q. And a little more to sleep on? A. And a little more to sleep on.

Mr. Hirsh.—That is all, Mr. Reeves.

Robert Stadler, having been called, testified as follows :

Examined by Mr Hirsh :

Q. Where do you come from? A. I come from the Territory.

Q. Indian Territory? A. Yes, sir.

Q. What for? A. Robbery.

Q. What was the charge, robbery of what, of whom? A. A train.

Q. What is the extent of your sentence? A. Thirteen years.

Q. How long have you been here ? A. Been here going on eighteen months.

Q. How old are you ? A. Be 21 the fourth day of December.

Q. Never were arrested before that ? A. No, sir.

Q. Have you any complaint to make here with reference to food or treatment ? A. Yes, sir.

Q. Just state what there is ? A. Well, the food, we get no substantial food for the prisoners to work on in the first place, and we don't get anything, as you might say, to eat in the evening and morning, only a piece of bread like that (indicating sample).

Q. And the same thing in the evening ? A. Yes, sir.

Q. And dinner time, how is the dinner ? A. The dinner, a person could make out very well on the dinner ; in the summer time, during hot weather, there was flyblows in the dinner, on the meat.

Q. That happen often ? A. Several times during this last summer.

Q. Any other complaint besides the food ? A. Well, we have no underclothes here, and they don't furnish clothes enough to keep us warm ; all we have is these thin tickings to wear till it comes so cold we can't stand it any longer, then they give us a pair of stripes, and have these for drawers ; we have no underclothes, no undershirts, or anything of that kind, you know.

By Mr. Keenholts :

Q. What is the stripe, same as your coat ? A. Yes ; same as the coat and vest.

By Mr. Hirsh :

Q. Is there any other complaint that you have ? A. I would like to get permission to write oftener at my own expense.

Q. How often are you permitted to write ? A. Once a month, I would like to get permission to write once a month, the other time at my own expense.

Q. Is there any other complaint that you have to make ? A. No, sir ; I believe that is all.

Q. The general treatment of the prison good? A. Very well—as good as could be expected for a prison.

James Hulsey, having been called, testified as follows :

Examined by Mr. Hirsh :

Q. Where do you come from? A. I come from Indian Territory.

Q. United States prisoner? A. Yes, sir.

Q. And why are you here? A. Well, I am here under a charge of larceny.

Q. A horse? A. Yes, sir.

Q. How long are you sentenced here? A. Three years.

Q. When did you begin to serve your sentence? A. The 24th day of this August past, a year ago.

Q. Have you any complaint to make with reference to the prison, Mr. Hulsey? A. Well, yes, sir, a little in regards to our grub; I don't think we are getting enough to eat here.

Q. That is, bread for breakfast and bread for supper you don't consider enough? A. No, sir.

Q. How are the dinners usually? A. Well, the dinners, there is plenty of it if it was fixed up right; it isn't fixed up at all.

Q. Not cooked well? A. No, sir; it is not.

Q. Otherwise there is enough of it? A. There is plenty of it at noon; yes, sir.

Q. Now is there anything else you have to complain of besides the food? A. Well, I don't—the clothing, I don't think there is sufficient for winter.

Q. You also complain that they don't furnish underclothing? A. Yes; they don't furnish them.

Q. And is there anything else besides food and clothes; blankets, are you also suffering from cold? A. Well, yes, I am, on my lungs; I am always coughing through the winter season.

Q. How long have you been here? A. I have been here—24th of this month will be 14 months; and in the winter it is quite cold here.

Q. Cells cold? A. Well, the cells isn't so cold if we had blankets; it seems all right, but it is next to the cot, gets perfectly cold, the skin.

Q. Is there any other cause of complaint besides food, clothing and blankets, bedding? A. No, sir; I have none.

Q. Otherwise the treatment is all right? A. Yes; I never had a cross word from any of the keepers since I have been here.

Q. You are not afraid to testify here, are you, Mr. Hulsey? A. No, sir.

Mr. Hirsh.—That is all.

Thomas Quinlan, having been called, testified as follows:

Examined by Mr. Hirsh:

Q. What are you here for? A. I was sentenced for burglary.

Q. Brooklyn? A. Yes, sir.

Q. And when did you commence to serve your sentence? A. December 31, 1890.

Q. How long were you sentenced for? A. Eight years and 10 months.

Q. Is that your first offense? A. Yes, sir.

Q. Burglary committed in the night time? A. Yes, sir.

Q. And was this the only time you have been in the prison, or have you been in prison before? A. No, sir.

Q. Have you any complaint to make here, Mr. Quinlan? A. Yes, I have; on the 22d of December, 1894, I was taken from the shop—I was clubbed in the shop and then taken across the yard to the prison and clubbed there.

Q. What for? A. The only offense I committed was talking; I had spoke while taking a drink a water; the keeper, Mr. Bahang, or Benan, I don't know his proper name, he was the one who assaulted me.

Q. What shop were you in? A. Tailor shop.

Q. What was the name of the keeper, McManus? A. I believe his name was Behang.

Q. It wasn't McMahon? A. No—well, I couldn't tell his proper name.

Q. Tailor shop; making pants, you say? A. Yes, sir.

Q. Was that all that has happened to you since you have been here?

A. Well, I have been clubbed by Mr. Cooper, in the shirt shop.

Q. Why? A. The only offense I give, one of the instructors, in showing me the work, started to curse me and I shoved him; sat in a chair and I struck him from behind on the head.

Q. So that it bled? A. Yes, sir; I was put in the dungeon and kept in the dungeon for 12 days after being clubbed, without a doctor examining my head.

Q. You were in the dungeon for 12 days, or in the dark cell? A. In the dungeon; it was a dungeon at that time, but it has been done away with since then.

Q. When was this? A. December, 1894.

Q. You say the dungeon existed up to December, 1894? A. Yes, sir; it has been covered over since.

Q. Did you make complaint to the warden about the clubbing? A. The warden came down to see me and told me that I had no complaint for to make, that I got nothing but what was proper; he wouldn't listen, wouldn't allow me for to speak.

Q. Did the doctor come to see you while you were in the dungeon? A. The doctor came to see me and wanted to take me out of the dungeon and the warden refused to allow me; I heard the doctor telling the warden that I wasn't in a condition for to be in the dungeon and the warden refused to take me out; when the doctor insisted upon me coming out of the dungeon he took me from the dungeon and placed me in a dark cell.

Q. How long were you in the dark cell? A. I believe 3 days—2 or 3 days.

Q. Has anything happened to you since that time? A. No, nothing has happened since then; I have got along fairly well.

Q. Have you any complaint to make except the treatment at that time? A. All I could say is to complain about the food.

Q. What is the character of the food? A. The character of the food is very bad; I have seen myself when there were worms almost as long as my finger in the food.

Q. In what? A. In the meat.

Q. After it was cooked? A. After it was cooked; that has been some eighteen or nineteen months ago.

Q. How has it been lately? A. Well, lately I have not eat much meat; it don't seem to be very good.

Q. How is the bread? A. Well, the bread, I believe the bread is iust about the same as anybody — I couldn't tell the difference between the flour.

Q. What do you feed on here, if you don't eat any meat? A. Well, I have a little food brought from the outside, friends of mine.

Q. Every day? A. No, can't get it every day.

Q. How often do you have it sent to you? A. About once every three weeks.

Q. What do you eat in the meantime? A. I always get two or three dollars when I get a visit, and I buy what food I want.

Q. Is there any other complaint? A. Well, when I was sick and asked the doctor for medicine, the doctor told me that he couldn't give me any medicine; he gave me one bottle of medicine after I come out of the dungeon; he told me to take it and it would do me good; I took the bottle of medicine and come to see him and asked him for another bottle, and he told me that there was no more of the medicine in the place.

Q. That is how long ago? A. In January, 1895, right after coming out of the dungeon.

Q. While you were in the dungeon during those twelve days, did the doctor come to see you every day? A. No, sir; he came every second day; after I was in the dungeon 8 days the warden came

down and seen me, asked me how I felt ; I told him I thought I had been in there long enough and ought to be out ; the warden told me, “ No, you can’t come out ; ” put me back ; I was in for 3 days, 3 or 4 days after that.

Q. Is there any other complaint that you have? A. No, sir.

Mr. Hirsh.—That is all.

Samuel Watkins, having been called, testified as follows :

Examined by Mr. Hirsh :

Q. Where do you come from? A. I come from Port Smith.

Q. Indian Territory? A. Indian Territory ; yes, sir.

Q. What are you here for? A. Here for larceny.

Q. Of a horse? A. Yes, sir.

Q. How long have you been here? A. Been here 18 months—well, it will be 18 the 20th of this month.

Q. How long is your sentence? A. Four years.

Q. Have you any complaint to make, Mr. Watkins? A. Well, a little, I reckon, the way they treat us here, that they treat us very well in every way all except our—

Q. Food? A. Food.

Q. Clothing, no underclothes? A. No, sir ; they don’t give any.

Q. And not enough blankets? A. No, sir.

Q. Is that all that you have to complain of? A. Well, their pans when they feed us are not fit for a dog to eat out of.

Q. Don’t keep them clean? A. Don’t keep them clean ; they are as rusty as they can be.

Q. Is there anything else besides that? A. Well, I don’t know that there is ; they treat us all right other ways.

Q. That is all, unless you have something else to state ; all the people that are with you here have stated the same things ; they have all complained of the food, and no underclothing, and not enough blankets? A. No, sir ; not enough bedding.

Q. Now, is there anything else that you know of that you want to speak about? A. Well, of course, the socks I guess, would go with it; I haven't had but two pairs of socks since I have been here; I asked them for socks and they wouldn't give them to me.

Q. Are they ever washed? A. Not only as I wash them; I have to wash them in my cell.

Q. What do you wash them in? A. In my cell.

Q. What do you wash them in? A. I have got a little bucket that I wash them in.

Q. Did you ever know of any socks being washed in pans, meat pans, dish pans? A. Well, I don't know, sir, I couldn't tell; I couldn't say that there was; I don't know what is done only just what—myself is all I know anything about.

Mr. Schulz—This committee stands adjourned until to-morrow morning at 10 o'clock, here at the penitentiary.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON THE
AFFAIRS OF CITIES, TUESDAY, OCTOBER 8, 1895, AT
THE KINGS COUNTY PENITENTIARY, BROOKLYN, N. Y.

Present — Messrs. Whittet, Cole, Keenholts and Chambers.

Mr. Hirsh and Mr. Pladwell, of counsel.

The committee proceeded upon a tour of inspection of some of the buildings, accompanied by Warden Hayes, heretofore sworn, and Chaplain Job G. Bass, now sworn.

Mr. Pladwell — This is the long term prison, where all the prisoners are received?

Mr. Bass — All the prisoners who serve a sentence between one year and life.

Mr. Bass explained the plan of the register located in the long term prison, showing the number of each inmate's cell, what tier it is on, when the prisoner was received, and when he will be discharged.

Mr. Keenholts — Is this the way they receive their groceries?
(Referring to a box of groceries.)

Mr. Bass — His friends send that, and it is examined, and if nothing ontraband, it is given to him.

John H. Sullivan, keeper, was sworn, and testified as follows :

Examined by Mr. Pladwell :

Q. You are in charge of the long-term prison? A. Yes, sir.

Q. Do you take charge of the moneys that the convicts have? A. Yes, sir.

Q. From whom do you receive that money? A. Through letter, sometimes, and sometimes direct.

Q. From whom direct do you receive it? A. The deputy warden—Mr. Jones.

Q. How do you keep it? A. Keep it in a box in the closet, here.

Q. Explain to the committee in what manner you keep each man's money separate from others, and how you arrange it? A. Each man's name is in this book (showing book) and the amount of money he gets, his name and cell number, and the amount of money opposite; as he spends it, I deduct it and put it right down; now, this man is run out; he has got no more; now, if he ever gets 50 cents or a dollar, I put it down.

Q. Is that the method that Smith had? A. Smith had a method here of hanging them on those little racks, in little bags; when you wanted 5 or 10 cents out of it, he would give it to you.

Q. When the money was out, the bag would be empty, and that is the only manner he had of knowing? A. Yes—throw the bag away.

Q. When he died, they simply went through the bags and saw what was in them? A. I did, myself—took every man's name down and put all the cash in one box.

Q. You have a different system, now, from what Mr. Smith had? A. Yes, sir.

By Mr. Whittet:

Q. Does he charge up against a prisoner when he gets 50 cents or a dollar's worth of stuff—charge it on the book against his account? A. Yes, sir.

Q. Mr. Smith, didn't do that? A. I don't know; he took the money right out of the bag.

Q. I understand that—he didn't keep any book accounts? A. No, further record, that I know of—this is my record.

Mr. Whittet.—That is the way it ought to be.

The Witness.—This man, whatever he gets, I deduct it, and if he gets any more I add it to that.

By Mr. Pladwell:

Q. And keep your balance right along for each man? A. Yes—every day.

Q. What is this, Mr. Sullivan? A. That is where the locks are kept on the tiers on the prison doors; now, at night when this bar is sprung we put the lock on so. (Witness illustrates the manner of locking a row of doors from the end of the tier.)

Warden Hayes.—When a squad of men comes in from the shop at noon to get their dinner —

Mr. Pladwell.—They bring their dinners in their hand; does each man go into his cell?

Warden Hayes.—Yes, sir.

Mr. Pladwell.—Is the door left open or locked?

Warden Hayes.—When he comes in from the shop the door is in that form (open); the last man who walks in pulls the door after him, and then it is locked (illustrating); when the order is given to open he pulls the handle in that form and pushes his door and steps out.

Mr. Pladwell.—But he is locked in from above?

Warden Hayes.—Yes; from 12 o'clock, or whatever little time after 12 they come in, until about 20 minutes past one he is locked in

Mr. Whittet.— Where is the dungeon, and what has been done with it now ?

Warden Hayes.— When I came in charge of this prison the dark cells for punishment were on this side here ; six of them were dark cells, and the seventh one was a dungeon.

Mr. Pladwell.— Where is this one spoken about 15 feet under ground ?

Warden Hayes.— This was the cell that was talked of in that form (cell number 28) ; I think it was about nine feet under ground ; about two years ago when I started to build the dark cells on the short term side I filled that in and made a cell here ; it has been in this institution before I came here 20 years, and about two years it has been removed from here, and all the dark cells and punishment cells are now on the short-term side, and there is no dungeon in the penitentiary in that form ; it has been turned into a cell for inmates, the same as all the other cells in the institution.

Mr. Pladwell.— These wash basins here are the place were the convicts wash ?

Warden Hayes.— Where the convicts wash ; all those basins along here, we hang them all up on a hook, and as they come in the morning and at noon and at night they get their basins and walk down along the aisle here and turn the water on as they need it and wash.

Keeper Sullivan.— The soap is all distributed opposite each pan, a piece of soap every night ready to use in the morning.

Mr. Pladwell.— Explain to the committee what this netting is ?

Warden Hayes.— During visiting days for visitors to see prisoners in the prison, between the hours of 12 and 1 o'clock on first and third Fridays, and 12 and 1:30 o'clock on Sundays, this wire netting is placed across the front of the prison.

Mr. Pladwell.— Down at the other end ?

Warden Hayes.— At the other end, that is what we call the front ; and the visitor stands on one side of the netting and the prisoner on

the other, and they talk to each other through the netting; the reason that was put in here was this, when I came to the penitentiary I had found that prisoners got drunk in the penitentiary; the records of the institution show that, and I intended that there should be no more stimulant of that kind come in here, and had this wire netting made so that no more liquor or dangerous implements of any kind could be passed to the prisoners without the keepers seeing it; and if you will see the height it shows that if a person goes to pass anything over it you can see it; there is no room to pass anything through it that would be dangerous; the prison is heated by coils of steam pipe running completely around the prison, and the steam furnished by three boilers from the boiler house.

Mr. Pladwell.—How many cells are there in the long term prison?

Warden Hayes.—Two hundred and thirty-four.

Mr. Pladwell.—How many tiers?

Warden Hayes.—Eight.

Mr. Pladwell.—Is there a tierman upon each tier?

Warden Hayes.—A tierman upon each tier.

Mr. Pladwell.—Who is a convict?

Warden Hayes.—Who is a convict, and his duty is to see that the tiers are kept clean, and to report if the cells are dirty, so that the keeper will see that the inmates keep them clean.

(Keeper Sullivan opened a cell with a screen on the inside of the door.)

Warden Hayes.—Here we keep the clothing of the convicts when they are brought in; as we make the clothing for the prisoners, when they come in, we keep them here in this store room, and the suits of clothes as they go out, when they are made, we also keep here in this store room, and we keep them clothed in that form so as to keep the dirt out. (The warden exhibited a suit of the kind furnished to convicts upon their discharge, with the name of the prisoner it was intended for the date of his discharge, upon a slip attached thereto.)

Mr. Keenholts.—“October 8th;” he is supposed to go out to-day?

Warden Hayes.—If he hadn't lost any commutation time he would have been discharged. We are all ready to have him discharged.

Mr. Keenholts.—He has lost his time or else he would be put out.

Warden Hayes.—He has lost some portion of his time, or else he would have been discharged this morning.

Mr. Cole.—You discharge them in the morning?

Warden Hayes.—Yes, sir.

Mr. Cole.—Do United States prisoners get anything?

Warden Hayes.—Yes; we furnish to United States prisoners who are discharged, a suit of clothes, a railroad ticket to the city or town that they have been sentenced from, and \$5 in cash.

Mr. Pladwell.—What is that (referring to an iron trap door)?

Warden Hayes.—That is an opening to our cellar where we store our coal.

Mr. Bass.—The tiers are of the same general order as those on the ground floor that the committee have been over.

(The committee next proceeded to the office.)

James Tully, having been sworn by Mr. Keenholts, testified as follows:

Warden Hayes.—If you will excuse me a moment and allow me to be the prisoner who comes here, then you will see what a portion of Mr. Tully's duty is, and that possibly will explain it better than if I did it myself.

Mr. Tully.—When a long term prisoner arrives, the names—“how old are you?”

Warden Hayes.—“Twenty-four.”

Mr. Tully.—“Where were you born?”

Warden Hayes.—“United States.”

Mr. Tully.—“What is your occupation?”

Warden Hayes.—“Clerk.”

Mr. Tully.—“Are you married or single?”

Warden Hayes.—“ Married.”

Mr. Tully.—“ Can you read and write ? ”

Warden Hayes.—“ Yes, sir.”

Mr. Tully.—“ Were you ever here before ? ”

Warden Hayes.—“ Yes.”

Mr. Tully.—Now, if a man is sentenced here for one year, I explain to the prisoner in this way, that he receives two months commutation for good behavior, according to the laws of the State of New York, and if he makes an attempt to escape during that period he loses all his commutation that is allotted to him by law ; we have religious services here every Sunday morning and afternoon, Sunday morning exclusively for Catholics, and all other denominations in the afternoon, but there is no prisoner permitted to go to both churches—he must confine himself exclusively to his own religion ; the prisoner is to receive 2 cents a day for each and every day that he actually works in the workshops ; and the prisoner is asked also, in addition to that, if he has any money or valuables ; if he has, to present it here at the window, and if not, we will not be responsible for them once he leaves here ; and we make an inventory of the goods received from him and get him to sign ; and if at any time during the period of incarceration here they have desire to write to the Governor of the State of New York relative to their case, by making application to the hall keeper they can obtain permission to write in that way through the warden ; and, also, if he desires to see the warden during his incarceration here, if he thinks he is wrongly treated or anything of that description, by making application to the warden he can obtain an interview in that way.

Warden Hayes.—Just a moment, Mr. Tully ; there is a book of rules that goes with that.

Mr. Tully.—Oh, yes, a book of rules that goes with this, gentlemen, to each and every long-term prisoner, and is to be kept by them.

(Witness produces a book.)

Mr. Pladwell.—This is a copy of chapter 21 of the Laws of 1886,

providing for the commutation of sentences for good conduct, and the rules formulated in compliance with its requirements ; the rules formulated for compliance with its requirements were made by Isaac B. Baker, Jr., Superintendent of State Prisons, in March, 1886.

(Book referred to received in evidence and marked Exhibit 36.)

Mr. Tully.—In addition to that the prisoner is also informed that in the event of sickness at any time, let it be in the shop or elsewhere, he may immediately apply to the keeper, who will send him over to the physician : his case will be treated immediately, and grievances of any description are always recommended to the warden, who disposes of all those cases ; that is, where there is any grievance to be had.

Warden Hayes.—And on Sunday morning ?

Mr. Tully.—Relative to the interviews with you here—each and every Sunday morning the warden is always prepared to hold an interview with all those men that desire to have an interview with him upon any subject.

Mr. Pladwell.—Upon giving notice previously through their keeper ?

Mr. Tully.—Yes, giving notice through their keeper.

Mr. Pladwell.—Are all these things stated to the convicts when they appear at this window, upon entering ?

Mr. Tully.—Yes, sir.

Mr. Pladwell.—And the assumption is that all those rules are complied with by the prison authorities ?

Mr. Tully.—Exactly.

Warden Hayes.—The musical portion.

Mr. Tully.—Yes ; in addition to that, each and every convict is told that if he is in the habit of playing upon any musical instrument while upon the outside, by making application to the hall keeper, he can send for them in that way, as we have one night each week assigned for that purpose, both for vocal and musical instruments.

Mr. Pladwell.—What staff do you have here in the office, Mr. Tully ?

Mr. Tully.—Well, I have two assistants here.

Mr. Pladwell.—You are a clerk rated as a keeper, are you not?

Mr.—Tully.—No, sir; not at all, not rated as keeper.

Warden Hayes.—He is a clerk rated as a clerk.

Mr. Pladwell.—A clerk rated as a clerk.

Mr. Tully.—Yes, sir.

Mr. Pladwell.—I see you wear the uniform of a keeper; that is the reason I ask you that.

Mr. Tully.—We all wear uniforms here; they are designated by the names on the caps, and straw hats when they wear them through the summer season.

Mr. Pladwell.—You have two assistants here who are convicts?

Mr. Tully.—Yes, sir.

Warden Hayes.—The difference between the long-term prisoner and the instructions to the short-term prisoner is this, that every short-term prisoner receives no amount of money at all from the county for his labor while in the penitentiary; long-term prisoners receive 2 cents a day; a short-term prisoner don't receive any money of any kind.

(The committee next proceeded to the short-term prison.)

James Riley, sworn by Mr. Keenholts:

By Mr. Pladwell:

Q. You are a keeper of the short-term prison? A. Yes, sir.

Q. And this desk is yours? A. Yes, sir.

Q. Explain the register to the committee? A. This is the record of all men in the prison—the time sentence, time they go out.

Q. Same as in the long term prison? A. Same as in the long term prison.

Q. How many cells have you got here? A. Two hundred and thirty-two, and 16 dark cells in addition.

Warden Hayes.—Our condition is just the same on this side of the prison as the other, as far as cleanliness, and the same method for

prisoners to be washed and taken care of, because one prison is an exact copy now of the other one; our method here for caring for the cells is just the same as on the other side; when a prisoner, or the doctor believes he becomes insane, so that he can't either hurt himself or anybody else, we put him in this padded cell (showing cell) and keep him there until the doctor decides whether he ought to be transferred to the asylum at Matteawan or to the asylum at Washington; as soon as he becomes rational again, to think he won't harm or destroy himself, we put him in those single cells so that he can be seen.

Mr. Keenholts.—How long have you had that?

Warden Hayes.—That has been here nearly six years; I had that built since I came here, and put in.

Mr. Cole.—This Washington, is a United States—

Warden Hayes.—Yes, that is for United States prisoners, and Matteawan for our State prisoners.

(A dark cell is shown and several of the committee are shut in momentarily; Warden Hayes explains the method of their ventilation by means of an opening in the bottom of the outer iron door and another opening to a flue from the interior of the cell, this flue running the whole length of the prison with openings from every cell.)

Warden Hayes.—The 14 dark cells in the short term side are all that there are about the penitentiary.

(The committee next proceeded to the boiler room.)

Mr. Pladwell.—Is this the boiler house that was built by Chief McCanna?

Warden Hayes.—Yes, sir.

Mr. Pladwell.—With the aid of convict labor in digging out?

Warden Hayes.—Yes, sir.

Mr. Pladwell.—And this is the boiler house referred to in the testimony given by you?

Warden Hayes.—Yes, sir.

Mr. Pladwell.—And also in the testimony of Chief McCanna?

Warden Hayes.—Yes, sir.

Mr. Pladwell.—How many boilers are there here?

Warden Hayes.—Three.

Mr. Whittet.—This is where you get your heat for the whole building?

Warden Hayes.—No, only the prisons; we have got another boiler house for the shops.

Mr. Pladwell.—Including the men's prison?

Warden Hayes.—Yes; we are now changing the grates and putting in fire-brick, preparing for cold weather.

Mr. Pladwell.—In the winter I suppose you keep the whole three running?

Warden Hayes.—Yes, we keep the three running all day long, and some nights two, and some nights one; we close our steam off at 10 o'clock every night except extreme cold, and then turn it on again at 4 o'clock in the morning so as to have a different air in the prisons during that length of time.

Mr. Cole.—You have got six boilers altogether in the penitentiary?

Warden Hayes.—We have a seventh that we use for cooking and washing, and we have all those boilers in the summer time.

James Golden, sworn by Mr. Whittet.

Examined by Mr. Pladwell:

Q. Are you the engineer here? A. One of them, yes, sir.

Q. And who is the other? A. Mr. William Dempsey.

Q. Two engineers? A. Yes sir.

Q. And both have different hours of duty? A. Well, we are both here all the time, pretty near; he happens to be off to-day; this is his day off.

Q. What is the capacity of these boilers? A. Sixty horse power.

Q. What do they consume in coal on an average? A. Those boilers are for heating purposes; that is according to the weather.

Q. Say, for instance, to-day, or this weather we are having now? A. In this kind of weather I should judge about a ton and a half every twenty-four hours.

Q. For each boiler? A. No, sir, we are only running one boiler now; for each boiler, yes, certainly.

Q. And would that ton and a half be increased during the winter weather? A. Yes, sir.

Q. To what extent? A. Probably burn as high as three tons a day.

Q. For three boilers running twenty-four hours in the winter you would burn— A. Between eight and nine ton, that is according to the weather.

Q. These boilers were here all during last winter? A. Yes, sir.

Q. All here last winter? A. Yes, sir.

Q. Were they sufficient to heat the prison? A. We only run two of them.

Q. And the average would be between eight and nine— A. No only running two boilers; with three then it would be about eight or nine tons, that is, in severe weather.

Q. Running two, is about six? A. Running two, is about six ton of coal, that is, in severe weather.

Q. What kind of coal do you use? A. Scranton coal, steamboat coal.

Q. What size? A. Egg size.

Q. Don't use pea coal? A. Not no more.

Warden Hayes—Last winter we used buckwheat.

Q. You have no firemen? A. None but convicts.

Warden Hayes—I want to state here, Mr. Pladwell, that there has never been an outside fireman at this institution on the pay-roll of the county during my six years.

Mr. Pladwell—Always used convicts?

Warden Hayes—And never heard of there ever being any under anybody else before I came here.

Mr. Pladwell—Yet there is enough of them in the department all the way through?

Warden Hayes—No, not on our pay-roll.

(The committee next proceeded to the female prison.)

Warden Hayes—This is the office; we have got here to-day 59 female prisoners, and they are in charge of a matron, Kate Slavin, and there are three matrons in the prison, so that we always have one female in charge of the female portion of the prison.

Mr. Bass—This room (office) is where I hold my service Tuesday night.

Warden Hayes—We occupy our females doing the work of the prison in washing the clothing, bedding and all, for the prisoners, as we do our clothing every week; the remainder sew buttons on ladies' waists, buttons on pants and fell pants.

Mr. Chambers.—What do you mean by changing the clothing every week, what clothing?

Warden Hayes.—The prisoners' pants.

Mr. Chambers.—Prisoners' clothing?

Warden Hayes.—Yes, the prisoners' clothing, every week; a man changes his pants every Saturday.

Mr. Whittet.—Gets another pair?

Warden Hayes.—Gets another pair.

Mr. Whittet.—How about the bedding. How often is that changed?

Warden Hayes.—The blankets we wash in general every summer, and at any other time when they become dirty by any act of the prisoner. When a prisoner becomes sick in any one of the cells and he is moved to the hospital, all of the blankets and bedding and all is removed from his cell, and whatever portion that the doctors say ought to be burned is burned, and the balance sent to be washed and cleaned, so that when the cell is occupied again it will be by clean clothing. In the month of August and September, each year, we take all of the blankets, with the exception of one for

each cell, out of the cells, and have them cleaned and washed, so that when the weather commences to get cold, we can then give them back the blankets for winter. so that the health of the prisoner would have the same chance by changing that it would if he was at home, as to clothing.

Mr. Chambers.—Wouldn't it be a good idea to take July and August instead of August and September?

Warden Hayes.—The reason we select those months, those months the population in the prisons runs lower than at any other time of the year, and we do it so as to give an opportunity to clean up the prison proper.

Mr. Whittet.—Don't they get pretty cold at this season of the year?

Warden Hayes.—There might be a cold day or two come on, and if they do we turn our steam on in the prison at night so as to keep it in a fair temperature, and the doctor knows every day what the condition of the prison is, and if he should ask that one, two or three blankets should be given to any prisoner, not making any difference what the reason would be, we would immediately give that, as the doctor is held responsible for the health of all the prisoners, and the warden only for keeping them.

We are now manufacturing our shirts for prisoners. Our sewing machines are right here in the cells, and when using them we put them out here in the hallway.

Mr. Pladwell.—You have got 59 cells here; what is the capacity?

Warden Hayes.—76, and we have also got a dark cell in the female prison (showing dark cell), so that we have got it in reserve in case we need it; and the female prison is heated just the same as the male prison by a coil of steam pipes all around this hall. All the children that you see here now have been committed by the justices with their mothers, except one that was born here yesterday. The reason that our female prison cells look neater than the male prison is that women as a rule are neater in their house habits than men are, and that is why you see the change here. These are all

short term prisoners, under 11 months, except what United States prisoners may be sent here.

Mr. Pladwell.—Are there any of those now?

Warden Hayes.—Two, yes.

Mr. Keenholts.—Are the carpets furnished by the prisoners?

Mr. Whittet.—Do you think this is warm enough for these prisoners here to-day?

Warden Hayes.—Yes, if we didn't we would put on steam, because we have our boilers all running.

Mr. Keenholts.—Who furnishes the mattresses?

Warden Hayes.—Straw beds? They are furnished here.

Mr. Keenholts.—And carpets? They are only furnished in the female department?

Warden Hayes.—Yes, sir.

Mr. Cole.—A good many of the women there are sitting with something over their shoulders. That signifies it is not very warm here.

Warden Hayes.—Yes, sir. We break stone with hammers instead of having machinery, so as to have employment for the men, and the same reason for doing laundry work by hand instead of machinery. I want the prisoners employed because that keeps them out of mischief, and it retains their health and mind and their intellect. You, gentlemen, who may before long go back this year for legislation for prisons, naturally would like to hear a prison official say that what we need most in prisons is employment for the inmates.

Mr. Bass.—And they themselves need it.

Warden Hayes.—During my first five months at this penitentiary 770 persons were in idleness. During that length of time the keepers and myself were constantly employed on the tiers in the morning and at noon to see that they didn't jump off the tier and commit suicide. When I commenced to get employment for the prisoners I didn't have to watch them either at morning or at night,

because they were employed in the daytime in the shops and at night they slept in their cells peacefully.

(The committee then visited in turn the new drug room, new storehouses and ice box, as yet unfinished; also the new kitchen, occupied, showing the daily portions in readiness for the noon-hour.)

Warden Hayes.— On Fridays they have a portion of fish in place of meat.

Mr. Whittet.— And that is codfish?

Warden Hayes.— Sometimes haddock, sometimes codfish, sometimes mackerel, and it is changed as the markets or the seasons change.

Mr. Pladwell.— Who is the head man in charge of the kitchen now?

Warden Hayes.— His name is Carter; it was Carr.

Mr. Pladwell.— A convict?

Warden Hayes.— A convict, yes.

Mr. Pladwell.— You haven't got —

Warden Hayes.— No paid cooks since Steinbrenner left me.

Mr. Pladwell.— Is this man a cook by profession?

Warden Hayes.— No, I think he is a banker by profession.

Mr. Pladwell.— If a man wants more than the portion of bread can he get it?

Warden Hayes.— If he asks for it. The reason I made that change was this, I didn't want any of the food destroyed. I believe that when a man can eat more than the portion that is allotted to him, that he ought to at least ask for it, and no man has ever been refused an extra portion of bread during my six years; but I don't allow anybody to go and help themselves.

Mr. Whittet.— That is not as good bread as yesterday.

Warden Hayes.— Well, sir, you can't always regulate an oven just the same every day, and sometimes it is the fault of the weather.

Mr. Whittet.— The draft and so forth?

Warden Hayes.— The wind will be from some particular quarter

that the damper in the oven won't work as well on one day as the other, but the bread is always wholesome and the flour is always good.

Mr. Cole.—The same grade of flour right along?

Warden Hayes.—Yes.

Mr. Cole.—Only buy one brand?

Warden Hayes.—One brand of flour, winter and spring.

Mr. Cole.—Can we see a sample of that codfish?

Warden Hayes.—Yes, sir.

Mr. Whittet.—What is Devlin's position?

A. He is a mason that has been here during the construction of those new buildings, the mason in charge, and he was appointed in place of another mason named Conklin, who was also a mason and was in charge of the building of those cells in the prison when we built them, and he was not appointed in place of McCanna in any shape, because he was always a mason.

(Mr. Pladwell called attention to some pans of victuals without any meat in them.)

Warden Hayes.—That might be the last portion that goes out, and don't know whether they will use that or not.

Mr. Whittet.—If they do, there is meat put in there?

Warden Hayes.—Yes, and we always save meat, because that is a safer thing to take care of than anything else.

Mr. Cole.—How often do you bake?

Warden Hayes.—Every day.

Mr. Cole.—Don't calculate to have it more than one or two days old?

Warden Hayes.—No, sir.

(The committee next proceeded to the bakeshop storeroom, showing loaves of bread in piles and barrels of flour in stock.)

Mr. Cole.—Where do you buy this flour?

Warden Hayes.—The commissioners purchase the flour twice a year by contract given to the lowest bidder for this brand of flour, half winter and half spring.

Mr. Chambers.—This is clear spring here.

Warden Hayes.—Yes. Well, then the winter will be on that side. I don't know who the contractor is or what the price paid.

Mr. Cole.—No one can tell by that brand where it is manufactured.

Warden Hayes.—It is supposed to be manufactured in Minnesota, and may not; it is only a Minnesota patent.

Mr. Cole.—But no man's name on it.

Warden Hayes.—There is one. That is another different brand, "Burtiss & Co's Choice Premium White Wheat Roller Process;" the other is "Doncourt's Patent Favorite Minnesota."

(The committee next proceeded to the bath room).

Warden Hayes.—When the prisoners are brought into prison they are brought to the bath room and washed, and their clothing changed here. They receive their prison clothes in this room, and their height is taken and their weight is taken on a standard scale. (Pointing to scale), and then they are sent to either the short or the long term prison, where they belong.

Mr. Pladwell.—What do you do with these boilers?

Warden Hayes.—This is that seventh boiler that I spoke of in the summer time.

Mr. Pladwell.—You don't use it now for cooking?

Warden Hayes.—Not to-day, because we have got through. This boiler (indicating a horizontal boiler) holds 1,200 gallons of water, and that is heated to be attached every Saturday morning to our bath room where we bathe the prisoners, to take the chill off the water. The upright boiler is for cooking in the summer and the other is for heating water. The hot water boiler is warm at present, and is kept in readiness for to-morrow if needed.

(The committee next proceeded to the bathing tank, otherwise known as the gas tank.)

Warden Hayes.—We have got a coil of pipe. In cold weather when we start to fill this bath room we have got a coil of pipe that

runs through there that they turn the steam on and also add that 1,200 gallons of hot water, that empties out in here from the boiler in the other room, and as we fill this with water, that hot water and this steam pipe is turned on, together with the cold, to take the chill off, and they put in water enough to raise to the height of this overflow, and the pipe that serves the water is continued on, and as it raises to the height of this overflow it runs out, and it constantly changes itself, because the 20 or 24 men who come in here to bathe naturally disturb the water and keeps it changing all the time, and the overflow goes out in that form.

Mr. Keenholts.—How long do they average here to bathe?

Warden Hayes.—About twenty minutes.

Mr. Cole.—How long has this overflow been here?

Warden Hayes.—Since this was built. The overflow was built when this was, and I built this here about five years ago.

Mr. Cole.—In cold weather, bathing here, of course they might just as well in dressing and undressing be out in the—

Warden Hayes.—In the extreme cold weather they don't undress. They take their pants and roll them up, and then they take their shoes and stocking off and come down here.

Mr. Cole.—And then go back and stand on a cake of ice so as to put their shoes and stockings on?

Warden Hayes.—No, don't have to put their shoes—

Mr. Pladwell.—One of the convicts has said that that table would be covered with ice.

Warden Hayes.—If you were to ask the other 999 convicts that came with them they will say that it is not true.

Mr. Cole.—Still, Mr. Hayes, it must be cold.

Warden Hayes.—I don't mean to say it is as warm as it would be in August.

Mr. Cole.—All you get, you avoid the wind, and that is about all. The temperature must be cold, can't be otherwise, in cold weather, understand me.

Warden Hayes.—In cold weather the temperature is always cold in any place.

Mr. Cole.—To be sure, unless you have heat.

Mr. Keenholts.—Do you advise this as a good method of bathing in the winter?

Warden Hayes.—I say it is a good method in place of bathing in a tub at any time.

Mr. Cole.—You will admit that if you could heat this building and warm it inside it would be superior to this, and it could be done at small expense?

Warden Hayes.—You could build one of the finest of bath houses in this prison if you had money to do it with.

Mr. Cole.—I know, but that wouldn't be very expensive?

Warden Hayes.—I spend the money that is given me by the commissioners.

Mr. Cole.—I am not censuring you in regard to it.

Mr. Keenholts.—Don't you think there should be a stove or something where a man could change, to undress and dress. It certainly must be very cold. This building is old and leaks all around there, plenty of room for air to get in.

Warden Hayes.—That we take care of in cold weather. In warm weather you never close up any openings anywhere. In cold weather you close them all up.

Mr. Cole.—It is too cold to-day, even.

Warden Hayes.—If we should close our windows and doors to-day it would be considerably warmer than now.

Mr. Cole.—I don't question that, but it is not fit for bathing purposes.

Warden Hayes.—I don't mean to say you can't improve it.

Mr. Keenholts.—It must certainly be very unhealthy for any convict to come here and bathe in the average cold water and then be taken out.

Mr. Cole.—In February, March, they don't get in with their bodies here, only feet and legs, and bodies out?

Warden Hayes.— Doctor Bartlett and Doctor Schenck said this is the best method, and we are following that at present.

(The warden shows a box of codfish of the kind supplied in the prison.)

Mr. Cole.—(Examining fish.) The fish is all right, but I presume some of them can't eat it. I couldn't eat it. What one man can eat another one can't.

Mr. Pladwell.—What is that?

Warden Hayes.—I think it is hake.

Mr. Keenholts.—No fresh fish?

Warden Hayes.—Salt fish on Fridays. No fresh fish. The doctors say a person ought to have a certain amount of salt in their food and we put that in the salt fish.

(The committee next visited the new bakehouse, one story high.)

Warden Hayes.—We are just after having these four new ovens built here during the summer.

Mr. Whittet.—All done by convicts?

Warden Hayes.—Yes, all my labor is done by convicts. The only paid employes are keepers, doctor, clerk and one mason part of the time is hired here. He goes to all the other buildings. That is Mr. Devlin.

Mr. Cole.—You don't have a paid cook, hired cook, paid man, overseer?

Warden Hayes.—No, sir.

Mr. Cole.—That depends upon whether you have a man up in the business or whether he is not?

Warden Hayes.—He is generally selected from persons who follow that business outside.

Mr. Cole.—If you have to teach him you take a long term man?

Warden Hayes.—But where there are a thousand people you generally get the kind of men that work at that business outside. I think the man here now, if he was outside, you would find him working in a bakehouse in the section of the city where he lives.

Mr. Pladwell.—I see there is a large pile of broken stone. (Referring to a pile of stone in the yard.) You gave me an estimate before of the pile you had here then. How much broken stone is there now?

Warden Hayes.—I think in the neighborhood of \$2,000 worth of broken stone.

Mr. Pladwell.—How many yards?

Warden Hayes.—That would be possibly about 1,600 or 1,700 yards. We get \$1.25 a yard for our broken stone here. We don't compete with outside labor.

Mr. Pladwell.—Where do you get this cobble stone that you have there from?

Warden Hayes.—The greater portion of the stone we get from outside the prison, from the ground belonging to the penitentiary, but during the year I had cut President street through on ground belonging to the county, and the dirt from there I dumped on the other side of Nostrand avenue, and filled in a hollow there that the city department now is dumping their refuse stone on, and as fast as they dump it there I cart it into the prison so as to be able to break it this winter by hammers with the prisoners whom I can get no other employment for. One of the reasons why I cut President street through, when our shops were burned down in 1890, while putting the roof on again, two prisoners jumped off the roof of the building to what they thought was a hill on President street, and one of them broke his right ankle, and the other one his left. Then I made up my mind I would cut that bank away so there would never be any more temptation for prisoners to jump off again, while working on the roof. And I haven't got that all filled yet. There is a part that is not finished, but it is all away from the prison buildings, and I have got in that a lot of sand and building stone as well as paving stones. We sell the broken stone to the contractors in the city for macadam streets, sidewalks and so forth, at \$1.25 a yard. We don't compete with outside labor.

(The committee next visited the stone shed.)

Warden Hayes.— We employ 40 to 50 men breaking stone here while we have got stone for them to break, and we also have from 32 to 40 men caning chairs at the upper portion of this shed Shows the hammers used by convicts in breaking stone.) I think they are about a two pound hammer.

Mr. Keenholts.— Are they all screened ?

Warden Hayes.— Yes. After all that stone is broken they are screened to get the dirt out.

Mr. Keenholts.— Here you have to have a man ?

Warden Hayes.— Oh, yes ; in all our shops we have them. If we didn't they wouldn't break any stone.

Mr. Keenholts.— Does one keeper have charge of the stone department ?

Warden Hayes.— Yes ; two, one in each department, those who cane chairs and those who break stone.

Warden Hayes.— (Referring to a vault in the yard). We keep the bones out of the cook house after they are boiled and sell to the bone man, and we put them away in that place so as to be as far away from the buildings as possible.

(The committee here reconvened in the parlor of the penitentiary for the hearing of the statements of the remainder of the convicts who yesterday signified a desire to appear before the committee.)

Will Lyons, having been called, testified as follows :

Examined by Mr. Pladwell :

Q. Have you any complaint to make ? A. Yes, sir.

Q. Just state it to the stenographer ? A. I don't get enough to eat here at all.

Q. In what particular ? A. The grub we do get, it is never cooked done. Any time you go and ask the warden for more he asks us do we think we can do more work.

Q. Have you asked the warden ? A. Yes, I have asked him.

Q. What is your particular complaint in reference to food ? A. That I don't get enough. Bed clothing, here through last winter, I just had one blanket and a piece.

Q. How do the keepers treat you? A. The keepers treat me all right.

Q. Your complaint is you don't get enough food and it is not well cooked, and that you don't have enough clothing? A. Yes, sir.

Q. Not enough blankets? A. Underclothes, what I had here and sent out to wash, didn't get them back. Go to the warden and ask for them, he says he can't put them back in their place.

Q. Then you didn't get the underclothing that belonged to you when you were here? A. Yes; didn't get them at all. I sent out and bought them, and after they come in I sent them out to wash, and didn't get them back.

Q. Is there anything else? A. That is all.

By Mr. Keenholts:

Q. What are you here for? A. Here for burglary.

By Mr. Pladwell:

Q. Where did you come from? A. Come from Aris, Texas.

By Mr. Chambers:

Q. The quantity of the food that you had to-day, is that similar in quantity to what you usually get? A. Well, it was better to-day than what we have been getting.

Q. In what way was it better? A. Why, the meat was done. The meat was done to-day.

Q. Any more to-day than you usually get? A. More to-day than we usually get, yes, more in the pans to-day.

By Mr. Keenholts:

Q. How was it yesterday? A. Yesterday, well, I didn't bring in any pan at all yesterday. I didn't bring in any pan at all yesterday.

By Mr. Chambers:

Q. Oh, there is one pan for each man? A. Yes, sir, one for each man. In the summer the meat we got had flyblows, skippers, all in it.

Michael Dugan, having been called, testified as follows :

Examined by Mr. Pladwell :

Q. Where do you come from? A. New York city.

Q. What are you here for? A. Burglary.

Q. Have you any complaint to make of the treatment you receive here? A. Yes, sir, I have.

Q. What is it? A. I come here in 1892, and went to work in the chair shop. I was put on a machine over there, a boring machine, and by and by a man began to trouble me. He was much larger than me. I was only about eighteen years of age. So I had to do the best thing I could do, so I let him go. He kept on troubling me for about eight months. So I reported daily to the keeper about it. He never had the man punished or nothing else. One day when he was about to go out he come over and put his fist to my nose and both of us got in a scuffle, and I struck him and he struck me, and the keeper come down and clubbed me with a club 28 inches long and weighing about four pounds.

Q. What is the keeper's name? A. McManus. I was taken over to the prison and I was put down in the dungeon. At the time, I was sick with the fever, and meantime I was put in the dungeon. I was down there from Saturday evening till Monday morning without seeing anybody.

Q. That is the dungeon in the long term prison? A. Yes, down under the ground.

Q. That is not there now? A. No, sir. Sunday afternoon the deputy warden come down there, told me that the lock was broken and couldn't open the door. That I don't know anything about. He come down and I pressed the door open, I was so thirsty, to get a drink of water, and I got about that much (indicating) and he put a little in a cup and I drank it. I grew sicker and sicker, and by and by when the doctor came he ordered something for me. I never got it. Mr. Smith, he is dead now, he took me out of the dungeon and put me in the cooler, thinking that would cure me.

So I couldn't stand it any longer and he sent me back to the cell. This other man was never punished at all.

Q. Is there any other thing you wish to complain about? A. Only I slept in one blanket for three years, pretty near, without having them aired or washed or anything else.

Q. That is, you have no proper clothing over you? A. No, sir, I don't. When I went for socks I had to ask a dozen times before I got them.

Q. Anything else? A. No, sir.

Q. Any complaint about your food? A. Oh, yes, plenty about that. I haven't had a decent piece of meat in about two years.

Q. You don't think you receive a sufficient amount of food or sufficient in quality? A. I get plenty of food, but not article.

Q. Anything else? A. Well, I am apt to lose my time for the affair I had over there, and I don't know how much it is. This other man never lost a day, and here I am to stand triple punishment for his doings.

Q. Did the warden investigate it at the time? A. No, sir, that is what I want to tell you.

Q. Have you complained to — what services do you attend? A. I attend Mr. Bass'.

Q. Have you complained to Mr. Bass about it? A. No, sir.

Q. Why didn't you speak to him about it? A. Well, I didn't think it was any use.

Q. Oh, yes, it is of use for you to speak to Mr. Bass at any time? A. Well, he told me they spoke to Mr. Bass, but he never told them anything regarding anything and never looked into the matter, so there was no use of me going.

Q. Is that all? A. Yes, sir.

By Mr. Keenholts:

Q. How often were your meals served while you were in the dungeon? A. Every twenty-four hours. I didn't get anything at all until Monday morning, not even a drink of water or exchange of buckets.

Q. Do you mean to say you didn't have anything to eat from the time you went in there, from Saturday? A. Saturday until Monday morning about half-past 10.

Q. And your bucket wasn't changed? A. No, sir; got a drink of water and I had to force that to get it through the crack of the door so we could put the little spout in there and put it in my cup, and I wouldn't have got that if it wasn't for another convict.

Mr. Hirsh.—That is all.

Philip Baumgardner, having been called, testified as follows :

Examined by Mr. Hirsh :

Q. What are you here for? A. I am here for bigamy.

Q. How long have you been here? A. I am here now two years and six months.

Q. What was the length of time you were sentenced for? How long is your sentence? A. Three years and three months.

Q. Are you a Brooklyn man? A. Yes, sir.

Q. What complaint have you to make, Mr. Baumgardner? A. I have got not much complaint. That is, only what I have to complain, that it is a dirty place in here. Look in the kitchen, look at them cups, what a man get his tea or coffee; look at them pans where a man gets his dinner in, and a man eat out of those pans and he loses his appetite; and look in those blankets in the cell, where a man is two or three or five years in a cell; he gets no change of blankets or be cleaned. They have got my cell blankets as they was when I come in, and then a man got them before; it is all the same, the blankets laying in the cell, and there is no clean blankets or nothing.

Q. Well, your complaint is like some of the others who were here, that the cups out of which you drink, and that the pans out of which you eat are dirty, they are not clean, and that the blankets are not changed, you have the same blankets that you have when you first came here? A. Yes.

Q. Now, is there anything else you have to complain of, Mr. Baumgardner? A. Well, one complaint I have got, I lost 20 days, and that is the time I come from out of the prison, get over in the shop. I am busy with the work and the men is — the instructor is in a hurry with the work.

Q. Now, you will excuse me, but with the loss of time this committee won't be able to deal with you. What we want to know is in reference to the prison itself. The loss of time is a matter of discretion with the warden, and your conduct here, with which the committee cannot deal. But anything that is the matter with the prison, we want to know. Now is there anything else you have to complain of with reference to your treatment in the prison? A. Well, that is all I have got to say about them, what I told you before.

Q. How are you treated generally? A. Well, I behave me good, never can do something on me. I like to be told, my man lock me up a day and a half, and I lost twenty days and I do nothing. I do the same as I do right here, and when you want to hear it I tell you how it is.

Q. Well, that is a matter that we couldn't investigate, Mr. Baumgardner. It is a matter we could have no cause for investigation, and it would simply take time, and there are 30 more of your fellow convicts who want to be heard? A. That is the reason—I am a German here. A German man gets pretty bad—when he move he gets locked up or anything. A German man, or Italian, or anything, the best kind of man he must sit down in the corner and move not. That is the place here when a man—

Q. You don't mean to say that because you are a German you are not treated as well as some other prisoners, do you? A. That is correct. You can find out. You ask every German man in here and you found out that is the same.

Q. He is treated badly, he doesn't get good treatment? A. No, he get not good treatment.

Q. Is that all Mr. Baumgardner? A. That is another thing. The first time I am about six months here I asked the keeper for a pair of stockings, and he says there is no stockings here for you. Certainly while I am a German man—and an Irishman he can get three or four pairs, and I can't get one.

Q. Did you see any Irishman get three or four pairs? A. Yes.

Q. Who was it? A. He was a man with me in the cell. He is out now. He got three pair at one time.

Q. Do you know whether he bought them or not? Did he buy them? A. I can't tell you for that whether he buy them or not. He get them from the keeper.

By Mr. Keenholts :

Q. You have been here how long? I am here now two years and six months.

Q. And you mean to say that your blanket has not been changed in the time you have been here? A. No, sir; and that blanket, when I come from the long term to the short term side, I lost my blanket in the long term side, and I got that blanket two years in the long term side, and when I got in the short term side, the man that is out of the cell, a man gets this blanket in the cell what that man has that got out.

Q. What shop do you work in? A. Chair shop.

Q. Couldn't that blanket have been changed when you were out at work? A. Certainly they can change it.

By Mr. Hirsh :

Q. How do you know it was not changed? A. You can't clean it; they can't change it; there is nobody around to change them; the tierman on the tier, the long tier, he change them not. The blanket you get at the same time when you come in, you get the same blanket till you get out, if you get five years. That is how I lost my blanket. I changed in the short term side, and I lost my blanket I have got for two years, and the other man come in the

cell, he get that blanket which I had before, and I get this blanket what this man had that got out on the short term side. .

Mr. Hirsh.—That is all.

Wilbur R. Williams, having been called, testified as follows :

Examined by Mr. Hirsh:

Q. What are you here for? A. I am here accused of counterfeiting.

Q. You come from the West? A. Yes, sir.

Q. Where? A. Little Rock, Arkansas.

Q. How long were you sentenced for? A. Three years.

Q. How long have you been here? A. I have been here twenty-one months; I came in the third day of January, 1894.

Q. Have you any complaint to make with reference to the penitentiary? A. Well, yes, I have, if there would be any good in it; we have made complaint but we haven't got any benefit.

Q. Let us listen to it, and if you will kindly be as quick as you can, so as to give your colleagues something to say. A. In the first place, gentlemen, I am here incarcerated for counterfeiting; that don't matter whether I am guilty or not I think I ought to be treated as if I was part human, and I have not been.

Q. Will you kindly state exactly what you have to complain about, so that we will ourselves be able to criticise it? A. These men now has beaten me since I have been here.

Q. Who are "these men?" A. McManus, the keeper.

Q. When did he beat you? A. I forget the day, just exactly, but it was somewhere between the 20th and 21st or the 22d of March.

Q. This year? A. Last year.

Q. Eighteen hundred and ninety-four? A. Eighteen hundred and ninety-four.

Q. Where were you at the time? A. I was in his shop.

Q. What shop is that? A. Chair shop, first floor.

Q. How did it come about that he beat you? A. Well, there is a fellow in there, he was a convict that was working on a machine; I was raking shavings, and I was compelled to be at that end cleaning up the shavings; this fellow would come over where I had to run them up and stand there; I would rake them over there; he would kick them out on the floor just to tantalize me; I tried to get him out of the way; he wouldn't do it, and the keepers has pets, like all men, and he was one of them; I would go to Mr. McManus and report him; Mac come down there and he would give him a song and dance, and then Mac cursed me about it, and would say I was to blame; it kept on until one day he kicked them out, and I said if he done it again I would knock him down; I said, "get out of the way; I don't want to bother you;" as I come with the rake he went to kick, and kicked and and hit the rake against his shin; he says "you darn son of a bitch;" and as I looked up at him he struck me right on the eye with his fist, and the warden can tell you what kind of an eye I had, and all the rest of them; he grabbed a chair post and he made for me with that, and I brought up my rake handle and he grabbed one end of it and it hit him; I went to Mac and told him to ask the other men how he bothered me—go and investigate it, the boys all saw how it come about; he went, and his head was bleeding; I hit him pretty hard—harder than I wanted to, but when a man is mad he don't know how hard he does hit; so he asked who hit first, me or him; the fellow said I did; Mac just whirled and struck me in the back with his club and called me a son of a bitch; I just dodged, and as I come back he struck me in the small of the back and clubbed me all the way across here to the dungeon and locked me in.

Q. The dungeon or the dark cell? A. Dungeon, the dark cell.

Q. Dark cell? A. Yes—they call it the dungeon—it is them dark cells over on the short term side—they kept me there four days, and the doctor took me out; I had just been to the doctor—I was sick at

the time, and he finally took me out and I was suffering with my back, and my cell mate examined it, and the bruises on my back was the size of his hand, and he will tell you the same.

Q. Is that the only time you were beaten that way? A. That is the only time I have been beaten.

Q. That was last year? A. Yes.

Q. Now, what else have you to complain of? A. Well, we have not got clothing sufficient—we have nothing but this little bed ticking pants.

Q. You also claim you ought to have underclothing? A. Well, we ought to have them, but we never get them—we don't know whether we would get them or not, and never kicked about it—just went on; but we have now not got clothes to keep us warm, these cool days; if you will strip off, nothing but a thin pair of drawers, you know, and we have only got one pair of blankets; they take the blankets away the 1st of September, and leave us keep them all summer; don't get anything to eat here sufficient for a man to work on; they expect a day's work—we are not able to do it, for we get nothing but a little piece of bread for supper and breakfast—

Q. You don't mean nothing but a little piece of bread? A. That is all we get, sir.

Q. Well, the bread that all the other colleagues of yours here testified to yesterday was a pretty good sized piece of bread? A. Oh, there is plenty of bread—we get more bread than we want.

Q. You said a little piece of dry bread? A. I mean a little piece, just one rasher—we get more bread than we have got any use for, as far as bread is.

Q. Then it must be a pretty large piece if you get more than you use. A. It is a pretty large piece—you get all the bread you want to eat—but a man ain't going to work on bread alone, as you men all know—and we get sliced potatoes, mashed up, and a small piece of beef; potatoes! we have had them until I just can't stomach them.

Q. What is the quality of the food that is given you? A. Well, it is different; sometimes it is all right in taste and every way and other days it ain't; some days the meat is so spoiled that we can't eat it.

Q. You claim, then, Mr. Williams, that there is not enough change in the diet? A. No change at all, not a particle.

Q. Now, is there any other complaint? A. Yes; we don't get the doctor treatment that we ought to have.

Q. Isn't the doctor here whenever you want him? A. He is here, but if you go to him for a dose of medicine you get a dose of cussing; you don't get medicine.

Q. The doctor said that he was here and you all get in line and he examines you just the same as he would his own patients? A. I tell you just how he examines us: "Well, what's the matter with you?" "I am suffering so and so;" "all right; give him a dose of salts, or oil, or pills;" now, that is just the way it is.

Q. Does he examine any one? A. He won't examine one out of a hundred now.

Q. How do you know? A. I have seen it ever since I have been here; my friends and I know; now, I have been in there when there was 30 or 40 men laying in sick; come before the old doctor; he is here, I believe, three times a week; well, now, he just passes you on, just that way, just as fast as he can shove one away; well, go before this young doctor over here and ask him what is the matter: "well, how in hell do I know what is the matter with you?" "well, we supposed you were here for that purpose;" "well, God damn you, I don't know what's the matter with you; go on and work, you don't get enough work, and exercise yourself;" tell you to go to the hall man and get blue ointment, or salts or something.

Q. Is that the usual prescription that is given here? A. That is the usual medicine they give; that is straight.

Q. Did you ever see any men examined by the doctor as they

appeared before him? A. I saw the young doctor two or three times when I would be in there, thump a man on the breast, examine him a little; maybe one out of a dozen.

Q. Did you ever see old Dr. Bartlett do that? A. Well, I can't say that I have; I have never been before him but a time or two.

Q. Aint there a good many here that play sick? A. Well, I can't say about that now; perhaps there is; now, my cell mate he is a man that aint able to be on his feet one day out of a week, yet he goes over too; he is badly afflicted.

Q. What is his name? A. Watkins; and he asked me to ask you men if you wouldn't send for him; under the conditions that his health is and all, that he wanted to see you, but the way they managed the thing yesterday the men was just afeared to step out there, the warden standing there.

Q. What is he doing to-day? A. He is working up in the shop.

Q. What shop does he work in? A. It is Van Toal's, I believe, a chair shop upstairs on the second floor.

Q. Have you anything else to complain of? A. Watkins, he has been in the hospital, and he knows how the hospital is run.

By Mr. Cole:

Q. What kind of a dinner did you have to-day? A. We had a nice potato mash and a piece of beef.

Q. Good beef? A. Yes, the beef was good to-day.

By Mr. Keenholts:

Q. Better than the average? A. It aint better than some days; some days —

Q. As a rule you have a pretty fair dinner, don't you, as well as could be expected in a prison? A. The dinner would be no kick, captain, if it wasn't for this potato mash and these old codfish; I want to tell you if you men just had to deal with that a little more you would certainly give us something besides that; now, we can't

eat it ; you know codfish is a sorry diet unless it is fixed right ; if it was fixed right then there would be certain days we could eat it.

By Mr. Hirsh :

Q. The cooking isn't good ? A. No, sir.

Q. Who attends to the cooking, all convicts ? A. I can't tell that ; there is always a number of convicts in there ; I don't know who does it.

Q. Short termers ? A. Yes, short termers ; and you go there and get your pan of grub, and you sort out the flies, and they probably can't help that ; I don't say that that is their fault, because flies are in anything, you know, anyhow ; the tea, I don't drink it—can't drink it ; if we could have soup every day, there would be no kick—all men, nearly, like soup.

Q. Don't you have soup every day ? A. No, sir—four days out of the week, and we have these old potatoes the other three.

Q. Then four days out of the week the food is good ? A. That is good enough—we don't complain about that now.

Q. And you complain about the other three days ? A. The other three days, and something for supper and breakfast.

Q. Is there any other complaint ? A. The way the keepers do us, to make us obey our rules, I think, gentlemen, that the keepers ought to obey their rules.

Q. What is the matter with the keepers obeying rules ? A. Well, they will sit around the shop and sleep half the day, and if a convict wants to go to the closet, he has got to stand there till he just takes short and fears to go, and then if he is sick he gets a cussing.

By Mr. Cole :

Q. Don't you dare wake them up when they are asleep ? A. They won't go and wake them up unless the warden is coming ; every keeper has got a sucker there that watches for the warden, see the warden leaving here, they pull his chin (witness taps his forehead) ; that is the

deputy (tapping head); everything is changed then and the keepers are up, got their clubs going, and strictly business then—now that is the way it is run.

Q. Don't dare wake them up when you want to go to the closet?

A. I never have; I don't know whether they would do anything or not, but we don't monkey with them.

By Mr. Hirsh :

Q. Is there anything else, Mr. Williams? A. No, sir, nothing—only just that, Mr. Watkins.

Q. I have sent for Mr. Watkins? A. Well, if you will ask him in regard to the hospital, you will find out a good deal that is carried on there that you will find ain't according to law.

Charles B. D. Watkins, having been called, testified as follows :

Examined by Mr. Hirsh :

Q. Where are you confined—long-term prison? A. Yes, sir.

Q. What are you here for? A. I am here for having in my possession a counterfeit bill, or a bogus bill.

Q. You came from the west? A. Yes, sir.

Q. Where? A. From Little Rock.

Q. And how long are you sentenced for? A. Three years.

Q. How long have you been here? A. I have been here twenty-one months; I came here the third day of January, 1894.

Q. Have you been any part of that time in the hospital? A. Once.

Q. How long ago? A. In March, I believe.

Q. March of this year or last? A. This year.

Q. Now, how long were you in the hospital at that time? A. I don't remember exactly how many days now; it was in the fore part of March that I went in there, and I think it was about the 17th or somewheres along there when I came out.

Q. During that time were you confined to bed in the hospital? A. Yes, sir.

Q. What were you suffering from? A. Well, the doctors called it orchitis.

Q. What do you call it? A. I thought when I went in there I had the mumps, but I don't know.

Q. And what was the condition of the hospital while you were there? A. Well, in some respects I consider it is tolerably fair.

Q. And in other respects? A. Well, I saw things there that I didn't think was proper for a hospital.

Q. What did you see, Mr. Watkins? A. Well, it is rather a particular question under the circumstances

Q. Are you afraid to testify? A. I don't think I am very safe afterwards.

Q. Well, you know Dr. Bass, don't you? A. Yes.

Q. You have seen him? A. Yes, I know him.

Q. The committee will protect you in anything that you may testify; and so that you may know how you will be protected I want to say, that if anything happens to you by reason of your testimony here, you complain to Doctor Bass about it and he will communicate it to me, and I will see that nothing will happen to you. A. In the first place, I wasn't carried in there until I had to be carried in by a couple of men, and I tried to have medical treatment and I couldn't get it at the start, before ever I went in there; I complained to the physician and wasn't able to work, and was compelled to lay in my cell, and when I would go down before him he would say, "there is nothing the matter with you," and, "go on to the shop."

Q. Who was the physician? A. I don't know his name; it is the main head physician, though that would order me to the shop; well, then, when I couldn't go to the shop, of course I had to remain in my cell until he came again, and it was the same thing over; and sometimes gave me a few quinine pills; he ordered me to the shop, and I says, "well, doctor, I can't stand on my feet to go to the shop;" he ordered the clerk to give me some of those quinine pills, and said that

would strengthen me up all right ; well, I made out to get to my cell after the doctor left ; the keeper, that is, Mr. Smith, before he died he come up on my tier and spoke to me ; I says, “ well, now, you heard what I am ordered to do, to go to the shop ; what shall I do ? ” says I ; “ well,” he says, “ you stay in here till I tell you to go out ; ” he says, “ you can’t go to that shop ; ” I says, “ I know it, but I am ordered out ; ” “ well,” he says, “ you can’t go ; ” he says, “ you stay here ”—well, when the doctor came again I had to be carried down stairs, and he looked at me and he says, “ well, you can go to the hospital,” and two men had to carry me to the hospital—and when I got over there I lay there from that day until the next day before there was anything done for me.

Q. No doctor came to you in the meantime ? A. That young doctor, that young doctor is there pretty near all the time ; he was in and out.

Q. You don’t count him ? A. Well, I don’t—I will let you count him—well, he didn’t do anything for me until the next day—and my left testicle was swelled till I thought it would burst—and turned black ; and my throat was all swelled up here, and I was suffering from pain in my chest, and a very severe cough ; and I was in a fix—I can’t describe it to you.

Q. Do you mean to say that persons saw you in that condition and didn’t do anything for you ? A. I mean to say that that is just how I was when I went in there.

Q. Wasn’t there a druggist in the hospital ? A. There is a druggist there.

Q. Didn’t he do anything for you ? A. I complained so and kept calling him to do something for me until finally they put a wet towel to my parts ; I told the doctor, says I, “ I can’t bear the weight of this big towel on here—I can’t bear it ; and he come and looked at it, and he says, “ well, that is too bad, it is too tender, I know that pains you so you can’t bear that ; ” and then he made some kind of wash and had me to keep a cloth on it ; and he didn’t do anything for my

cough nor my lungs nor my throat in any way—I coughed all the time I was in there.

Q. How old a man are you? A. Born in 1848—and while I was in there I saw other men that was in a very bad condition—some of them was taken very good care of, while others was very slackly treated; and during the night there was a western fellow there by the name of Pate—he is gone from there now—he pretended to be a doctor; well, this young doctor and he would consult with one another when they wanted to do anything for a man, and this young free doctor would consult with him most generally about the matters; and he told him that there was nothing the matter with me, this western man; “Oh,” he says, “you just ain’t nothing the matter with you;” “well,” says I, “what am I swelled up so, what do I cough so for, and what do I have these chills for?” “Oh,” he says, “that’ll come right in time;” and I says, “well, I wan’t you to tell the doctor to come here, I want him to do something for me, for I can’t stand it this way;” when he comes, he says, “well, I will see if I can do anything for you,” and he went away but didn’t do anything that time; I complained to this—he was night nurse at that time—further about it, and he said, “well, you better be damned careful, you will get a dose out of the black bottle; that’s what you’ll get;” I says, “well, I am going to die this way, anyhow.”

Q. What did he mean by that; did you understand that he meant anything special? A. It seemed to me that he meant that I would go like others had went; he said: “a man don’t last here long when he gets to cutting up about anything;” I says, “I am not cutting up; I want something done for me, and I am here in a suffering condition and you know it;” and it went on that way and I had no treatment except that solution to apply to my privates; I come out of there; I didn’t stay long enough to get well; I come out; as I come out I just staggered and reeled as I walked, and I remarked to the doctor: “well, I am just like an old chicken with one eye out; I can’t follow

you"—when he come over to the building with me—"I can't follow you; I am just half blind and I am crazy besides;" he just laughed at me.

Q. Did you ever hear anything about a black bottle before you heard of it there? A. I have heard such things spoken of a good many times in different places?

Q. Here? A. Not here, no, sir; only I have heard convicts speak of a black bottle too, but then I don't count too much on everything I hear.

Q. Did you ever see it in use? A. I never seen it in use; no, sir.

Q. Did you ever hear of it being used on others? A. Nothing more than remarks made that a man didn't last long if he didn't do just what suited them.

Q. Who made that remark? A. Well, I am a stranger to the men generally here, and just convicts that has been suffering from one thing to another.

Q. Is there anything else that you saw in the hospital, Mr. Watkins? A. Well, I saw a great many things there, one thing and another.

Q. Anything that you remember? A. There was a little gaming going on there at night when I thought men ought to be attended to.

Q. Among the nurses you mean, or among the patients? A. Well, no, sir; no patients; the doctor and the keeper, and then the druggist, he is a pretty sharp fellow, the druggist was, he is a Brooklyn man here, and he knowed more about medicine than the western fellow that claimed to be a doctor, and this other one both put together.

Q. What was the name of the druggist? A. I don't know his name.

Q. Do you recollect a little doctor that was in the hospital by the name of Taft, a convict, a short black-haired man? A. Was he in the fore part of '94?

Q. No, before that. A. I wasn't here till January, 1894.

Q. What was the name of the druggist you speak of? A. I don't

know that druggist's name that was there then; he went out shortly, and then it left this western fellow Tate to take his place; he did take his place and staid there till he went out; and another time I went over, the keeper sent me over; I was past doing anything at the shop, before this young doctor; he has got a regular place over there that he had men to visit him from the shop, and my kidneys and bladder was in a very bad fix, and I was full of pains till I couldn't stand on my feet, and I had a chill on me at the time, and a fever coming on me, and I was just in a fix that I couldn't hold my water; it would just run from me when it took a notion; and I went before him. "Well, what's the matter with you?" I says, "Well, sir, I'll tell you how I am and let you say what is the matter with me." I told him how I worked. "Hm, hm, well it is just a little of this, and a little of that and ain't a damn thing the matter with you nohow."

Q. That is what the doctor said, eh? A. That is what the doctor said, the young doctor.

Mr. Bass.—Have you seen a shuttle-board in the hospital; don't the patients use it; isn't it there on purpose for patients to amuse themselves? A. I seen a checker-board, but I didn't see anybody use it at the time I was there, because most all the time I was in a pretty bad condition.

By Mr. Hirsh:

Q. Is it a common thing for doctors to swear at convicts as they come to them? A. I don't believe I remember hearing anybody speak about him, particularly when he went over from the shop, but what they made some remark about his being so rough and swearing at them and saying there was nothing the matter with him; well, at that special time I was going to tell you about now, he says, "you would be a damn far long ways from being any pain about you, if you were only outside"; I says, "well, doctor, I am subject to kidney disease on the outside, and I have had a serious time with it on the outside, and, says I, "I would certainly be the same way if it was to come up

that way on the outside ;” I says, “ I had rather work in the shop to lay in my cell by a long ways,” and, says I, “ there ain’t a bit of use of a well man talking about it if he has got rational sense, talking about laying in that old cell rather than going to work ;” says I, “ with the job I have got on hand, I would rather do that than lay up and do nothing, it is better to have exercise than do nothing when I am able to do it ;” and so I had rather be in the shop and work, only when I am sick, rather than to lay in, and I go to work when I am sick rather than go before that doctor, because it don’t do ; I know it won’t do to go before him ; he said he would give me some medicine, though ; he didn’t much want me to come in and tell him I wasn’t able to go to the shop ; “ well,” he says, “ God damn it, go on, I don’t care if you lay in four thousand years,” and motioned, “ go on away from here ” — four thousand years ; it showed that he didn’t care much for anything.

By Mr. Whittet :

Q. What doctor is that ? A. Well, I can’t call his name, I don’t know his name.

Q. It ain’t the head physician ? A. No, sir ; that I speak of now ain’t the head physician.

Q. Is he here now ? A. He was the last account I had of him ; he is the superintendent of the hospital here.

By Mr. Hirsh :

Q. Is there anything else that you know of, Mr. Watkins ? A. Well, when I got in before the main head physician, he told the head physician that he examined me and didn’t find anything the matter with me, and when I come to find out, this head physician, that he was a man that was taking the place of the main old physician, and he wouldn’t pay no attention to the young doctor ; he went ahead and examined me ; “ well,” he says, “ I find something the matter with this fellow,” and he

went ahead and prescribed for me; when I got my prescription, the next time he came back, and he filled my prescription again and told me to take care of myself and take that right along, and when that prescription come back it was something else—and I took a dose of it and it hurt me so bad I wouldn't take no more; it seemed it just flew all over me, and I didn't have no sense for awhile; when this doctor came in again I went before him and gave him the bottle; he took his little finger and touched it to the bottle—that way (indicating), and tasted of it; he says, "What have you been giving him?" "Well," he says, "it was your prescription;" he looked on the books and says, "Well, I made it out;" "Well," he says, "that medicine ain't fit for that man," and took it away from me and gave me a new prescription; that was a substitute doctor; if it hadn't been for him, I reckon, the other one would have killed me; he don't seem to me like a man fit for a place like that; a man ought to know his business to be in a position like that, and he ought to have a heart in him, too; he ought to have a human heart, besides.

Q. Is there anything else, Mr. Watkins? A. Well, nothing, particularly concerning myself, but then, there is a good deal of clubbing going on at times here among the men; while I am here I just make that statement.

Q. Go right ahead? A. I have seen men clubbed here with clubs, without any resistance at all, whatever, and I don't know what day it might come to my turn.

Q. For what are they clubbed? A. Well, it is a common thing among some of them, when they want to lock a man up to club them as they go along.

Q. How often have you seen that? A. I have seen a man knocked out of line and clubbed.

Q. How often? A. Once.

Q. When? A. Going across the yard—and then I have seen a man

clubbed on the tier; two men had a fight, and when they come up to get him they club him down from there.

Q. That is twice? A. That is twice.

Q. Is that the only time you have seen clubbing, here, Mr. Watkins? A. Well, I seen a part of it, just a little part of it, and then it went out of my sight so quick that I don't know just how it turned out; another time on the yard; and I have heard several when I was locked up; go to take them out at night, I would hear them hollering and the clubs going and the licks, I could hear the licks, and men hollering "murder."

Q. In the cells? A. In the building when they would take them out to lock them up or something; I don't know what they lock them up for.

Q. You say that was a common thing? A. It has been; I haven't heard one now right lately.

Q. How lately? A. I guess for a couple or three months.

Q. But before that it was a common thing? A. Before that it was a very common thing; now and then, not every night, of course, but off and on, every once in a while, I could hear clubbing.

Q. Is there anything else Mr. Watkins? A. I don't know that there is.

Q. Any complaint to make about the food or general treatment? A. Well, if you call that violation of the law, or any abuse to a man, to starve him to death, I could just tell you that much.

Q. I want to know? A. I am satisfied that men aint fed here, you are aware of that.

Q. No, I am not satisfied of it, nor is the committee; we want to know about that; you say a man isn't fed here; you don't mean that? A. I don't mean he aint given anything, but to sustain life in a proper manner.

Q. For the work that is done? A. For the work that is done; I contend, sir, that a man is starving to death, and there is many a man

comes before the doctor that there is nothing in this world that ails him but starvation, pains produced from starvation that medicine can't do anything with, even if a physician had hold of him, much less a quack; now, then, we get our dinner to-day and to-morrow we get our dinner again; to-night we get a piece of bread and a cup of tea; I don't drink it; don't like it and can't drink it, and I know others that way; in the morning we get a piece of dry bread and a cup of scared water, call it coffee; it aint coffee to me; it has no taste of coffee to me; but that is what we get for our breakfast; of course, we get, four days out of the week we get soup and potatoes, turnips, cut up together, Tuesdays we get what is called a potato mash, what they generally call it; well, now, a man is sickened out of it until he can't eat it; there is half of them that can't eat it; and of course we get meat every day except Friday, and that is fish; well, the fish is fixed in a manner that the men, they can't stomach it, especially after they are here a little while; they get sickened of it, and once they get sickened on it it almost vomits a man to look at it.

By Mr. Whittet:

Q. How was the dinner to-day, Mr. Watkins? A. Well, it was pretty fair, considering.

By Mr. Hirsh:

Q. Considering what? A. Well, considering the place; I call it a little extra; the potatoes made more richer than common; there was a little more soup mixed with it than common.

By Mr. Whittet:

Q. The meat was well done, wasn't it? A. Tolerable; yes, sir.

By Mr. Keenholts:

Q. Do you think this committee being here made an impression on having a better dinner to-day? A. Well, I wont say that, but then it seems to me that way.

Q. Don't you generally have a pretty good dinner, with the exception of Friday; that fish don't seem to please the prisoners, but as a general thing don't you have a pretty good dinner, considering a prison dinner, understand? A. Well, now, I don't know what other prisons have —

Q. You were never in any other prison? A. No; only as a safe keeper until I come here; now, the dinners, I would never grumble about the dinners at all if we had something for supper and breakfast.

By Mr. Hirsh :

Q. The main complaint among all you men here is that there is not enough food for breakfast and supper; nothing but bread and coffee; old coffee? A. Yes.

Q. Bread and tea, or old tea? A. I wouldn't say a word about the dinner at all — if I didn't want it I would let it alone — if I had something for supper and breakfast.

Q. Is there any other complaint? A. We only have two blankets in the winter.

Q. Yes, we have heard all the complaints with reference to the blankets, that you have only got one now and had two before? A. And then, these thin bed-ticking clothes we have got on, any cold snap, and especially if a man is weakly and sick all the time, it goes mighty hard with him; a man takes a cold quick; and then there is no underclothes in the winter time.

By Mr. Cole :

Q. What was this gaming going on in this hospital that you spoke about? A. Well, sir, where I laid I couldn't see it, but I could hear them call the game and throwing the cards, and then the night steward would pass from the drug shop door by me of a night at different times with a glass of what—I called it whiskey myself; I didn't taste it.

Q. It looked like it? A. It looked like it; and then a glass in one

hand, as I have seen served many a time before, and a glass of ice water in the other, going to this little card room, into the doctor's room; and on top of that the game is so busy generally—there was some sick men just in the next room to me, that they was so bad off they tried to get up; one man was out of his mind—didn't know what he was doing, he was almost dead anyway; he tried to get up and he would fall on the floor, and the day nurse would have to call this night nurse out of that card room to get him to attend to these sick men; he would go in and attend to them, sometimes curse around over them awhile and get them to bed; then he would go back to the card room; they would stay there till about midnight and stop and have a midnight supper; and the midnight steward, he told the fellow, told the doctor, "well," he says, "by God, I have saved enough turkey and chicken;" sometimes, "and butter and pie stuff, back on what is brought in this evening, for our lunch to-night, and we will have a lunch now and go to bed;" the keeper would go to bed, and next morning when the steward woke him up, his glass of toddy, I suppose, carried to him, and put on his clothes and go down.

By Mr. Hirsh:

Q. Is there anything else you have to complain of, Mr. Watkins?

A. Nothing that I know of.

Mr. Hirsh—That is all.

William Saunders, having been called, testified as follows:

Examined by Mr. Pladwell:

Q. Where do you come from? A. Wilmington, Delaware.

Q. What are you here for? A. United States mail.

Q. Robbing the mail? A. Destroying it.

Q. Have you any complaint to make? A. Yes; I am a little short of talking and I have it written out. (Witness produces memorandum.)

Q. Well, you talk from your memorandum. A. I have one com-

plaint, I ain't fed very good ; I am sick of health, bad of health, I mean, and the work that I have to do is unreasonable to me.

Q. What is it ? A task.

Q. What do you do, what do you work at ? A. On a machine.

Q. For what kind of work ? A. Mail bags ; I only have one pair of tickings to put on and it is thin, and that is all we get here, and not any oil to see ; when I go in and see the warden about changing my work he tells me I am trying to impose on him, and the keeper and instructor.

Q. That you are well able to do the work and that you are imposing on them ? A. Said I was imposing on him ; I can't stand it ; I have been sick ever since I come from Wilmington.

Q. Have you talked with Dr. Bass about that ? A. No, sir.

Q. Why don't you make your complaint to him ? A. Well, I didn't know as—

By Mr. Whittet :

Q. That is the proper thing for you to do, you know ; you know you have a right to talk to him about it, don't you ? A. Yes, sir.

Mr. Whittet—Well, that is the proper thing to do.

By Mr. Pladwell :

Q. Have you any complaint about the food you get ? A. Well, the grub, I can't eat it.

Q. Is it any better to-day than usual ? A. Well, it is a little bit better to-day than what it has been generally.

Q. More of it ? A. It is soup all the time, and don't make no change about it, and only get one meal a day, and work on that from morning till night ; that is all I get ; they have a cup of tea or a cup of hot water and a ration of bread ; and another thing I have to say ; they cut us about our oil.

Q. That is, they were in the habit of giving you oil, and now they don't give you any ; how long have you been deprived of that ? A.

Well, I have been deprived of it ever since 3 months ago, since I have been here, and the commissioners cut it off, and that is all the thing we have to do in the cell at night, to read; now we have no light to read by at all; I have no friends in Brooklyn, and I can't get no money nowhere.

By Mr. Chambers:

Q. Do you get any money from the institution here? A. No, sir.

Q. Do you earn any money? A. Not as I know of; some say I earn money and some say I don't.

Mr. Pladwell—The money he earns is paid to him when he leaves --2 cents a day.

Mr. Chambers—Oh, I see.

By Mr. Pladwell:

Q. Have you any complaint to make about the treatment of the keepers? A. Well, my keeper is all right.

Q. Then your complaint is that the task is too much for you, that the food is not sufficient for you to work on— A. For to work on.

Q. And that it is not good; how about your Friday's meal? A. Well, I don't take it; it is codfish and potatoes mashed up in it, and codfish, I don't care nothing about it.

Q. And your clothing, bedclothing, blankets? A. Oh, we won't get no blankets until November or December; we are only allowed one blanket now, and they take them out the last of August or sometimes middle of August.

Q. And that is not sufficient? A. No, sir; another question, of the doctor; when I go over to the doctor for to get any medicine for myself to cure myself, he laughs and casts some insinuations from me, before all the convicts; and up to my cell, when he came over to see me when I was pretty bad off, he allowed he would give me a black bottle.

Q. What is the black bottle? A. I don't know, sir; black bottle he said he would give me.

Q. Is the black bottle supposed to be the effect of giving you a black bottle—what does it do? A. I take it to be something to injure you.

By Mr. Whittet:

Q. Poison? A. Poison, yes.

By Mr. Pladwell:

Q. Kill you? A. Yes, sir.

Q. Has there been talk among the other convicts about that black bottle being given to convicts? A. No, sir, not as I know of; that is what he expressed before me.

Q. That if you were not careful he would give you the black bottle? A. He would give me the black bottle.

Q. And you understood by that that if you were not careful he would poison you? A. Yes, sir; and the medicine, I am afraid to take the medicine what he does give me.

Q. When you say that he insinuates something, do you mean that he swears at you or anything of that sort? A. Well, he throw out slurs, hints.

By Mr. Whittet:

Q. What are they; tell us what they are? A. Holler at you same as a dog.

By Mr. Pladwell:

Q. Can you give me any of the words that he used, any expressions that he made use of? A. Well, he made the expression before to other convicts and passed some cross words, and "dog gone it" or something, "stand back, don't get up in front of me."

Q. You mean "God damn it, don't you, not "dog gone it?" A. That is what he said, "dog gone it."

Q. When you go to the doctor you go at certain hours when there are other convicts going? A. Yes, sir.

Q. At the same time? A. Yes, sir, same time.

Q. In the emergency hospital? A. This hospital.

Q. Over to the woman's prison? A. Female prison, this little house where they keep things.

Q. A little wooden house where the store room is? A. Yes, sir; and another thing, the water to bathe in; I guess about a thousand convicts go in before we get in and the keepers claim the water runs off again; when we go in the water ain't running off; you just take your hand and see the dirt in the water.

Q. All on the top? A. All on the top, settled.

Q. Floating over the top? A. Yes, sir.

By Mr. Chambers:

Q. Where is that, in the bath-room? A. In the tank, and we have to wipe on the same towels, and towels throwed out on the grass till they dry and throwed back in.

Q. You go in a squad of 24 each? A. We go in the afternoon, they go in the morning—we have to go in last.

Q. That is, your squad goes in last? A. Yes, sir.

Q. Is there anything else you have to say? A. Well, I guess that is about all I will say now.

William Lange, having been called, testified as follows:

Examined by Mr. Pladwell:

Q. Where do you come from? A. Germany.

Q. Where was you convicted? A. Here in Brooklyn.

Q. What was the offence? A. Attempt swindling.

Q. How long was you sentenced for? A. Three years and six months.

Q. How long have you been here? A. I have been here 23 months on the first of next month.

Q. What complaint have you got to make of the prison? A. Well, all the time since I am in here I tried to do my best—I work in the mail bag shop, ringing bags, and that is very hard work—it is the hardest work here in the whole building; and there is a task, you got

a task there, you have to make 30 bags a day—now, the first time I come in I had a little money here, and I couldn't do it, wasn't able to do that work, and I see how them other men getting treated what couldn't do the task, and that scared me, and then I paid for my work—I done all what I could, and what I couldn't do for myself I paid to get it done from another convict.

Q. For every one he did for you, you paid him so much money? A. Well, I couldn't get no money in my hands, so I paid him in groceries; we can have some groceries in here and I paid him in sugar and milk and tobacco and coffee, all such things, and some I had to give cash money; and I leave that go to the principal keeper what is out now.

Q. Smith? A. Yes; he paid once a man \$3 at once, cash money, that don't want no groceries; he says they like to have money.

Q. Did the keeper in charge of the mail bag shop know that you did that—paid other convicts for doing your work? A. I don't know if he knew it.

Q. Smith knew it? A. Oh, Smith knows it, and other convicts know it; some be out and some be in; they worked right along with me.

Q. Do you do that now, or have you been able— A. I can't afford that no more—I do all I can and that wouldn't do, they would punish me and put me in a dungeon.

Q. You are not able to do thirty bags a day now? A. No, I can't—I never was and never can.

Q. How many bags can you do a day? A. Well, when a man does twenty-five he does a good day's work for any man.

Q. And that is what you do? A. That is what I can do myself, yes.

Q. Have you ever been able to do thirty? A. No, sir.

Q. Have you been punished for not doing thirty? A. Yes, sir.

Q. How often? A. In two weeks, twice.

Q. And what was the punishment? A. Put me in the dungeon.

Q. In the cooler? A. Yes, sir—or the cooler.

Q. How long did they keep you there? A. Well, the first time, twenty-four hours.

Q. And the second time? A. The second time they put me in they let me work all week right through, and on the Saturday afternoon they put me in and let me out on a Monday.

Q. Do they lock you up at any time during your meal hour, dinner hour? A. Yes, sir.

Q. And deprive you of your dinner? A. Oh, when they lock a man up they get nothing to eat, and they give in twenty-four hours a cup of water and piece of bread—that is all he gets.

Q. I mean, when they don't lock you up—did they ever at any time take you out of the shop and send you into your cell and lock you in without giving you anything to eat for dinner? A. Send me in the cell?

Q. Yes? A. No, sir.

Q. Never did that? A. No, sir.

Q. You always had your dinner when you were out of the cooler? A. Out of the cooler, yes; then I had my dinner.

Q. Is there anything else you have to complain of? How about your food? A. Well, I think that is no the use to tell; you know what that is; so many people come in here and see what it is; it is water and dry bread; and the soup, I can't eat it; I keep my stuff for myself.

Q. How about your clothing at night, bed clothing, blankets, do you have enough of those? A. Well, we have this one blanket; in the winter time we have it even; a man freeze to death.

Q. Anything else you would like to speak about? A. So many things, I don't know if I—

Q. Have you ever been ill treated by your keepers? What sort of treatment do your keepers give you? A. Well, a bad treatment.

Q. Ever strike you with a stick? A. No, not this keeper what is in

shop now, but the other keeper done it; oh, it used to be terrible, terrible in here since that time.

Q. Is it better now than it used to be? A. Well, it is not better, but they get a little more—I think so, I don't know, but that is what makes me think, that new gentleman is in there, that new commissioner, since that time it is a little more—a man got time to wash in the morning, and you go down on the sink, you get time to wash, and a little soap; that was not before; then we come down and our keepers stands there and, "Get out, you God damned— get out here," and then the club; a man wasn't able to wash, just "go on," and "get out, you God damned—"

Q. Don't do that any more? A. No, a man can wash now with a piece of soap; and then in them cells is a little bucket; when you go around the prison on them first floor, you find a good bucket there, but not all over the prison.

Q. Bad buckets upstairs? A. Such little things; it isn't big enough for two men in a cell, and some of stinks like—

Q. The buckets are not properly cleaned out? A. Well—

Q. Anything else you would like to say? A. Then, stockings; a man couldn't get a pair of stockings; I have to buy my stockings; I bought them already; and then a man has to go a couple of months with a pair of stockings; what shall he do? they are stiff, like just them wooden shoes; a man get no opportunity to wash a pair of stockings; in the summer time it is good enough, but in the winter time —

Q. Is there anything else you would like to say? A. Well, sir, gentlemen, I don't know if I dast or not.

Q. Is there anything else you would like to say; we would like to hear it? A. Well, there was a man in here; he come once; they put him in the cooler; I don't know where he is; they took him out; don't know what they done with him; a little bit of a man; he used to work in the bag shop, too, and locked him up several times three and four days.

Q. What was his name? A. Charley, a little — about this size man (indicating).

Q. Working in the bag shop now? A. They took him out a good while ago; I don't know what they done with him.

Q. Isn't he in the prison now? A. He is not in here; it is a good while that he is not here any more.

Q. Did his term expire — was his time out? A. Oh, no; his time wasn't up; he come in the same time as I, maybe a couple of weeks before, and he had four years.

Q. And you don't know whether he is in the prison now or not? A. He is not in the prison now, I know that.

Mr. Pladwell— Well, that will do, then; that is all.

James Murray, having been called, testified as follows:

Examined by Mr. Pladwell:

Q. Where do you come from? A. From Moore's Court.

Q. Brooklyn? A. Yes, sir.

Q. What are you here for? A. Burglary.

Q. How long a term have you got to serve? A. Three years and six months.

Q. That was the sentence? A. I was sentenced the 15th of February.

Q. Last year? A. Eighteen hundred and ninety-four.

Q. Have you any complaint to make of your treatment here? A. Well, yes; I have been locked up for nothing as I know of.

Q. Locked up? A. Yes, sir.

Q. That is, locked in the cooler or your cell? A. In the cooler.

Q. How long have you been locked in the cooler? A. I have been locked in the cooler three times.

Q. How long each time? A. Five days.

Q. Five days each time? A. Yes, sir.

Q. What shop do you work in? A. Mail bag.

Q. Do you remember any one by the name of Carley that worked there? A. Carley? No, sir; I am only in that shop six months.

By Mr. Whittet:

Q. Were you locked up because you didn't do your task? A. I don't know what it was for at all.

By Mr. Pladwell:

Q. Did you do your task? A. Yes, I do my task.

Q. What is the task? A. Eighty bags.

Q. Eighty bags for how long? A. For a day.

Q. Eighty bags a day? A. Yes, sir.

By Mr. Chambers:

Q. What part of the bags do you make? A. Make the whole bag right out and out.

Q. Eighty whole bags a day? A. Eighty whole bags a day; yes, sir.

Q. Are there different kinds of bags made there? A. Well, there is different colored bags.

Q. Different kinds? A. It is white and brown, white and gray.

A. All the same patterns? A. Well, no, sir; some different patterns.

Mr. Whittet—He doesn't mean the ringing; he means sending out.

A. I have got the whole thing, all but the ringing.

By Mr. Pladwell:

Q. You do everything but cut them? A. Everything but cut them, yes.

Q. And you put in everything? A. Don't put in the rings and don't put in the strings.

Q. Do you know this convict that came out as you came in, Lange? A. Yes.

Q. What does he do? A. He is a ringer.

Q. How many bags does he have to do? A. Thirty bags.

Q. And he can't ring as many bags as you can make? A. No, sir.

Q. Do you know whether he does his task or not? A. I couldn't tell you.

Q. You don't know anything about that? A. No, sir.

Q. Did you ever do anything for him? A. No, sir.

Q. Do any part of his task at any time? A. No, sir.

Q. Was there any time that you failed to do your task? A. No, sir; only once I went in the shop there, that was the 20th of March, 1895; I went in there, and was about five days in there, and got locked up; I wasn't in there long enough to do a task.

Q. Do you know what the complaint was against you when you were locked up? A. No, sir.

Q. When were you locked up the next time? A. The last time I was locked up was the 30th of March, 1895.

Q. And upon any other occasions do you know what the charge was against you? A. Yes, I know what the other was for, for fighting.

Q. You were locked up once five days for fighting? A. Yes, sir.

Q. And then the other time was what? A. The other time, I don't know what it was for at all.

Q. Well, you were locked up three times? A. Yes, sir.

Q. One time you don't know anything about what it was for? another time you were fighting; now, the third time, what was that for? A. For talking in my cell, the third time.

Q. Is there any other complaint you have to make? A. No, sir; only about the food.

Q. What is the matter with the food? A. Well, found worms in them as big as my little finger.

Q. In the meat? A. Yes.

Q. Alive? A. No, sir.

Q. And how often has that happened? A. Well, it happened so often I can't eat the meat.

Q. That is during the summer? A. Yes, sir.

Q. That doesn't happen nowadays? A. No, sir, not lately.

Q. Do you know when Steinbrenner, the cook, was here? A. No, sir.

Q. Do you remember when they had an outside cook in the kitchen, not a convict? A. No, sir.

Q. You don't remember that? A. No, sir.

Q. Anything else you have to complain of? A. No, sir.

Q. Is there enough of the food? A. There is enough of it, but you can't eat it; all you get in the morning is bread and tea.

Q. Bread and tea, and coffee? A. Yes.

Q. You say that the meat you get at noontime isn't fit to eat? A. Not fit to eat; no, sir.

Q. How about the fish on Friday? A. Well, the fish on Friday, you can't eat that either.

Q. Have any trouble with your blankets or clothing in this weather? A. No, sir; only got one blanket—that is all; used to have two.

Q. Is that one blanket enough? A. No, sir, one blanket ain't enough, not those days.

Q. Have you stated about all the complaint you have now? A. Well, I have been over to the doctor's about two weeks ago, and I had rheumatism in my arms and could hardly lift my arms, and the doctor told me to raise them; I raised them as well as I could, and he told me to raise them higher; I told him I couldn't; he told me if I didn't do it he would break my arm.

Q. What doctor was that? A. The doctor that tends to the prisoners over in the hospital.

Q. The young doctor? A. Yes, sir,

Q. That happen more than once? A. No, sir.

Q. Have you stated now everything that you can think of? A. Yes, everything that I can think of.

By Mr. Chambers :

Q. You say you have been confined in the cooler? A. I have been in the cooler.

Q. Three times? A. Yes, sir.

Q. You have been in there, you say, five days at a time? A. Yes, sir.

Q. What sort of place is this cooler, just like an ordinary cell? A. Well, ordinary cell, nothing to sleep on, just bare flags, all the same as the rest of them down below the flats.

Q. What sort of door is it there? A. Big black iron door.

Q. Anything to sit on in there? A. No, sir; nothing at all.

Q. Nothing to sleep on, you say? A. No, sir.

Q. No cot? A. No, sir; just the bare flags.

Q. How do you occupy yourself? A. Sit on the floor, walk up and down, sitting on the floor.

Q. And how are you fed while you are there? A. Well, when I was there I got one ration every twenty-four hours.

Q. What kind? A. One ration of bread.

Q. Bread and tea, anything else? A. And water.

Q. Bread and water? A. Yes.

Q. You say you were in there five days at a time? A. Yes.

Q. And that is all the provender during that time, that is what you were fed on? A. Yes, sir.

Q. Nothing else; how often, once a day, you say? A. Once every twenty-four hours.

Q. Every twenty-four hours some bread and water; how large a piece? A. A regular-sized piece.

Q. The piece you usually get for a meal? A. Yes, sir.

Q. That you had once in twenty-four hours, with some water? A. Yes, sir.

Q. And you were in this place, you say, five days at a time? A. Yes, sir.

Frank Belmont, having been called, testified as follows :

Examined by Mr. Pladwell :

Q. Where do you come from? A. I belong in New York ; but I was brought back from St. Louis, Missouri.

Q. What are you here for? A. I am here for—on the Morris Park race track I was working for a bookmaker and there was a ticket cashed, and eight months subsequent to the cashing of that ticket I was arrested by Pinkerton. I think I was a victim of circumstances, because I worked in New York ten years for Mr. Delancey, and the Western Union company have a line direct between the city and Sheepshead's Bay. I was down there and used to take things as the horses entered and put on the pole and play to it, and I was arrested three times in one day and brought before Judge John Y. McKane and I was discharged, and ever since that Pinkerton was very bitter against me.

Q. Where were you tried? A. In White Plains.

Q. That is, the offense you committed was on the Westchester track, Morris Park? A. Yes; J. H. & A. H. Morris.

Q. And the charge against you was— A. Cashing, or with other people. They didn't know who the other people was, and by the means of cashing the ticket I was sentenced here four months. He said I knew who the other people was, and if I couldn't describe the men I would suffer the penalty. I got out on bail and come back, and Pinkerton come up and asked me to make good the money, and at that time it was \$520 and I only had \$400 and they wouldn't take a penny less, and I saw the sheriff up there and they come to a compromise. I was only sent over here four months. The crime itself would call from five to ten years, so I understand, which would make it grand larceny in the first degree.

Q. Have you any complaint to make of your treatment here? A. My treatment? No, sir; but I have got something to speak about the bath and the doctor's treatment.

By Mr. Hirsh:

Q. Have you any complaint to make with reference to the prison?

A. Yes, sir.

Q. What is it? A. In the first place, every Saturday morning, as soon as we get out to our shop there is 800 men taken over to the bath, and it was formerly a gas tank; well, these men goes over there with all sorts of diseases, and it is compulsory to go over in that bath, whether a man is clean or not—no matter; he might have facilities in his own cell for keeping clean, he must go over there, and I am positive I know 8 or 10 cases in the bag shop where men have got syphilis and got it running down their neck, and they don't seem to get any treatment for it; well, you are compelled to go in that bath; you can't put your feet in, you must go in, you must envelope—

Q. You don't do that in the winter? A. I don't know nothing about the winter; I am only here four months.

Q. Twenty-four goes in at the same time? A. At the same time, sir.

Q. How often is the water changed? A. Never changed during the day—the same for all the men.

Q. Isn't it running water—running in and running out? A. Well, I couldn't positively say that, but it is the same water continually—because about four weeks ago the water was taken out, I understand, in a bottle, and I believe it was analyzed and it was filthy; I couldn't say as it runs out—I don't think it does, sir.

Q. Well, it must run out some time? A. It does, yes, sir—the next day, when they pull up the valve, or something, and let it go out, and then go and wash it—the bath man washes it.

By Mr. Cole:

Q. When you are in there is there a pipe standing up where water runs out, down into this pipe—a piece of pipe standing on one side—gas pipe sticking up there? A. There is a gas pipe sticking up there; at times it does and at other times it doesn't.

By Mr. Hirsh :

Q. Is there any other complaint you have? A. Why, yes; now, for instance, a man that has his food brought here and can afford to buy his groceries; there is only one bucket in the cell, with two men, and if one is sick and has to get up to have a passage, the other man, of course, don't go there, but when he wishes to get up to urinate and lifts that bucket, it is perfectly awful; the smell in that cell has kept me up night after night; I couldn't sleep on account of the other man having to go to the bucket, whereas, if there was two buckets, one for each man, one could be used to urinate and the other could be used for refuse; some buckets have no porcelain, it is wood, and you can imagine urine smelling in that, and have a bucket of water thrown in it every morning and thrown out by a man who commits himself here; and then the pan in the kitchen, and cups, sometimes is very dirty, almost impossible to eat out of it.

Q. Who attends to that part of it, do you know; do convicts attend to that cooking and so forth? A. Yes, the cooking, they attend all to that, and the gentleman that is chief cook now was a banker, Mr. Carter; he is chief cook now, and of course, I don't think bankers know much about cooking.

Q. Well, he has assistants, men that are supposed to know? A. Yes, assistants, but every one when they get here, the idea is usually to be either a cook or a baker, so you can get in the kitchen, because then when the meat comes they cut off the steak for themselves, and the prisoners get the ribs; but I can't say anything against the food because I haven't had any of it; I might have had two pans in the past four months, and I go home next Monday.

Q. How long were you sentenced here? A. Four months.

Q. They can't take anything off your time? A. No, sir, they can not.

Q. What were you sent here for? A. On the race track—I have been ten years with the circuit, all along; this is through malice more

than anything else ; I was cognizant of the people that cashed the ticket, and I am the man that cashed it for them.

Q. Is it pool selling you are here for ? A. Bookmaking—yes, sir.

Q. Have you been in the bakehouse yourself at all ? A. I pass in—I am a runner ; I am running in the bag shops, and I take men to the doctors, and have charge of the stock of bags—how many we ship—and do cleaning.

Q. Mail bags ? A. Yes, sir.

Q. That is in the mail bag contract ? A. Yes, I am on the mail bag contract.

Q. And do you ever go to the cookhouse yourself ? A. Yes, passing there—going to the bathhouse and passing there I often walk in the bakehouse.

Q. Do you see them cutting off meat for themselves ? A. No, sir, I don't—but it is a well-known fact that men in the cookhouse get steaks.

Q. How well known is that and where does it come from ? A. Well, it originates naturally from the kitchen ; the men that go there will give their friends meat.

Q. Were you ever troubled with any disease ? A. No, sir.

Q. Did you ever see the doctor here at all ? A. Yes, sir ; I go to the doctor every day with other men.

Q. You do ? A. Yes, sir.

Q. Now, will you just state to the committee how the doctor treats them, or how the men are treated ? A. Yes, sir ; I shall ; in some cases he treats them very well ; other men—I was there the other day and a man came in, he says, “ I have got something the matter with my kidneys—” just according to what humor the doctor is in, how he will treat you ; the doctor, he says, “ how do you know you've got anything the matter with your kidneys ? you men have got the worst lot of kidneys—” the man told him ; he says, “ well, I think we will cut them out and see what is the matter with them, we will go into an

operation;” you see men come in there with sores on them, on their arms, it is swelled, breaking out on them, from the blue shirts that they wear, and I saw the convict doctor take that brush and paint it; I saw another man have his testicles painted, and then I saw a man with a sore throat and they painted his throat with the iodine out of this same bottle, but I will not swear whether it was the same brush or not.

Q. How many at a time does the doctor treat? A. As many as comes over that is sick; he don’t treat some of them; some of them, he says, are what he calls “faking,” that means they are not sick at all, and sends them back to the shop; the major thing they get here is pills, pills for anything.

Q. Have you ever seen as many as 100 treated at a time? A. Oh, no, never seen over six or seven or eight out of my own shop, and then about 12 out of the other; he has got hours; his hours are one hour in the morning and one hour in the afternoon.

Q. Does he treat as many as 100 in a day? A. Oh, yes, he might.

Q. He is only here an hour? A. An hour, yes, sir.

Q. Then there are runners from every shop that bring them there?

A. Yes, sir, the runners bring them from the shops.

Q. And you, of course, wouldn’t stay there during the entire time?

A. Oh, yes; I have to stay and bring my men back that I bring.

Q. You would have to be there during the entire time? A. Oh, no; I wouldn’t have to be there during the entire time, only during my own men getting treated.

Q. Would he take very long with each one? A. Oh, no, sir; not very, not the fractional part of a minute, about 30 seconds.

Q. Does he examine them? A. Why, yes; every one comes in, he sounds them, and tells them their lungs are as strong as a bull—I never heard him tell a man his lungs were weak in my life, since I have been here.

Q. Anything else to say to them? A. Oh, yes; occasionally says

a lot of witty things, and he has got a few men there that laugh at everything he says—just how he feels.

Q. What doctor do you refer to? A. I refer to Dr. Bourgen—that is the only doctor I have ever saw here.

Q. You ever see Dr. Bartlett? A. No, sir; I never had any occasion to, never went over to Dr. Bartlett, because when they go to see Dr. Bartlett the men are brought down from the other shops, the keeper brings them over.

Q. You refer now to young Dr. Bourgen? A. I am speaking of the young man, sir; Dr. Bourgen, I believe his name is.

Q. It has been stated here that Dr. Bourgen swears at the men, did you ever hear him swear at the men? A. No, I couldn't say that I ever heard any profanity.

Q. Any cursing or anything of that kind? A. No, not any profanity at all, sir.

Q. Well, you would know that, you come down frequently? A. Why, I come mostly every day.

Q. You are not particularly averse to saying whether he swore or not? you occasionally use a profane word yourself? A. Oh, not at all, naturally I do—if I heard him say so I should certainly say so—I never did, really.

Q. Do you know whether he pays any attention to the men except just in the manner you have stated? A. Just in the manner I have said, exactly; a man comes with a headache—"what do you come in here with a headache for? You would have to pay \$2 for that outside—go back to your shop"—other men, when they are very sick, he will put them in a damp cell, whereas they should have some medical treatment; lays them in, he thinks that is what they wish; naturally, if a man is sick they naturally like to lie down, not thinking whether it is damp or not.

Q. Are the cells damp? A. Oh, yes, more or less; they are all stone flats.

Q. Do you know anything about the dark cells? A. cells—Dark no, sir; never experienced them.

Q. Where are you from? A. I am from New York, originally, 28th street and Broadway, between Broadway and 6th avenue.

Q. Have you ever been in the hospital? A. Yes, I have been up there with men occasionally.

Q. You see what the treatment there is? A. No, sir; I see principally colored people there, mostly colored men.

Q. No white men in the hospital? A. Yes; three or four.

Mr. Bass—Indians?

The Witness—Indians.

Q. Indians and half-breeds? A. Well, a good many colored men there; they are black, negroes.

Q. Is there any other complaints that you have? A. Nothing, sir.

Q. How is the blankets? A. Oh, there is one blanket, but fortunately I have two; there is a way, of course, like in every place else, you can get little extra things if you have the wherewithal?

Q. And you can get it here having the wherewith? A. Oh, yes, you can, through the tierman; I expect, though, they make another man suffer for it; we had two blankets all along until recently.

By Mr. Chambers:

Q. Do you mean to be understood that favors that one man obtains are gained at the expense of another? A. They might be; I really couldn't say where they come from.

Q. They might be—you don't know that they are? A. I couldn't say as they are, but I know everybody on our tier nearly has only got one blanket; we had two until recently and they took them out; and I understand, I don't know, I can't prove it, but I understand that the blankets haven't been changed in two years; they don't seem to wash them—lay them out on the grass and let them air and return them; the good blankets they are brought back and the old ones are sent to the rag shop.

By Mr. Cole :

Q. When you came in was the blanket you first had clean or dirty ?

A. They were dark ; I couldn't really say.

By Mr. Hirsh :

Q. It wasn't a new blanket ? A. Oh, no ; far from being new blankets ; and they don't allow you anything from home, such as bedding or pillow cases ; for instance, you get a colored counterpane here, they don't allow that.

Mr. Chambers.—Won't allow you to supply yourself with bedding from home ?

A. Not on the short term side.

By Mr. Hirsh :

Q. What is the character of the food you have had, or haven't you eaten it ? A. I haven't eaten any of it, sir ; I have tried it twice.

Q. Do your folks outside supply you with it every day ? A. Every week, and then I order every Wednesday from the grocery store ; I get all kinds of canned meats, and get ham, eggs, preserves, Quaker oats ; get anything that I could outside.

By Mr. Chambers :

Q. How is your food prepared that you obtain that way, prepare it yourself ? A. Prepare it myself ; got an oil stove and buy oil now ; we used to buy it here and pay 5 cents a quart, and 20 cents a gallon ; but somehow some trouble came up, and we buy it now from the grocery store, and it is only 14 cents a gallons.

Q. Used to buy it at five cents a quart from Smith ? A. No, not from Smith ; each prison, you know, has got a hallman.

Q. You don't know, then, of your own knowledge, or have you seen the food that is furnished ? A. I have seen it ; I can't say how good or bad or indifferent it is ; of course, I have heard complaints about it.

Q. Constantly ? A. Oh, more or less, yes.

Q. Did you ever try the fish on Friday? A. Oh, never, never.

Q. Did you see it? A. Saw it, yes.

Q. Smell it? A. No; I saw the potatoes off it, that is all; but there is a man in with me, he comes from Irvington-on-the-Hudson, and his people have not visited him here, but if he never has anything he never touches the fish; he is merely a boy, 21 years of age, but he never touches the fish; he had it once, he says, and it made him beastly sick; as to the food, I can't say anything about it; I eat the bread—toast it.

Q. Do they furnish stocking here at all? A. I don't know; well, speaking of stockings, this young man with me has asked several times for stockings, and he couldn't get them.

Q. Wears the same stockings right along? A. I understand—I just heard to-day at noon, you can get stockings now, or anything like that, at the present time.

Q. Does there seem to be any change in the prison for the better since the investigation was going on? A. I heard to-day's meal was much better; they had a little butter in that roast beef and mashed potato.

Q. Do you know whether there has been any discrimination, or do you know anything about the shops, the conduct there of keepers? A. No, I can only speak of our own, and our keeper seems to be very good, no favoritism whatsoever, every man has to do his work; they have got a task, that is, ringing the bags, and then stringing the bags on the machine; the machines do 75 per day of white cotton duck bags, and they do 80 of the brown jute bags.

Q. Did you ever hear of any discrimination against Germans?

A. No, never; no, nationalities here don't count; they treat a colored man the same as a white man.

Q. Did you ever hear it spoken of that the Germans are—? A. Oh, never, never, never! no, there is German keepers here; no, I never saw that.

Q. Is it possible that men in this institution lie, even when they come before a committee? A. Really, I don't know, sir; I couldn't answer for that at all.

Q. Is there anything else that you know of that you can speak of that would be for the betterment of the men whom you know in the prisons? A. No, sir; I don't know of anything that could be, that I know of, that I really could say, and say to know that it was perfectly true.

Q. Is there ample opportunity to communicate to the warden and make complaints? A. Oh, yes, they can go and see him every Sunday if they wish; they never get anything definite; "I will see about it—"

Q. That is the reply? A. And that is the last of it; that is the stereotype reply, too.

By Mr. Bass:

Q. How does Mr. Connor treat the men? A. Very good, indeed, sir, very good; he rarely locks a man up.

By Mr. Hirsh:

Q. What shop is he in? A. Bag shop; he is one of the oldest keepers here; he is a very humane man.

Q. Did you ever see any convicts beaten, clubbed? A. No, sir, but I have heard of it often; I never saw any one beaten here.

Q. Did you ever see them suffering from the effects of it, by cuts or bruises? A. Not here, sir, no, sir.

Q. Or have you heard of it? A. I have heard—well, a tierman that went away the other day told me about it, how he had been nurse in the hospital, and he would take the cloths off their head, and after he would take the cloths off the doctor would come and treat them; and then he said while he was nurse they would bring men out of the coolers and they would lie in the bed and die; of course, I couldn't say how true that was.

Q. What tierman was that? A. A man named Lawrence Higgins.

Q. You say he left? A. Oh, yes, he is discharged about three weeks ago; he used to tell me about it; they used to have a dungeon here, even below the coolers, but I never saw it, I have only heard of it.

Q. You have never been in the cooler, either? A. No, sir, I have never infringed any of the rules here to be punished, as yet.

Mr. Hirsh—That is all.

George W. Jones, having been called, testified as follows :

Examined by Mr. Hirsh :

Q. What are you here for? A. Forgery of a money order, United States prisoner.

Q. From what place? A. Paris, Texas.

Q. How long have you been here? A. I came here last May, was a year ago on the 21st day of May.

Q. May, 1894? A. Yes, 1894.

Q. And what was the extent of your sentence—how long have you been sent here for? A. I was sent here for two years—I have twenty months served.

Q. You have served twenty months? A. Yes, near it—on the 6th of November my time expires.

Q. Have you any complaints to make here? A. Yes, I have got complaints to make.

Q. Just state them? A. My case is different than any, I guess, you have heard of in the prison, and my case is only prejudice and jealousy, and I want to state to you, gentlemen, and I hope you will listen to me, as I have been denounced here two or three times as being a man crazy and no sense at all; in the first place, if there is a physician in the crowd I would like to be examined.

Q. There is no physician here, Mr. Jones. A. The first statement I want to make is my trouble, why I am locked up and punished—

Q. No, with that we have nothing to do; now, what we want to know is about this institution; we can't try you over, you know.

Mr. Chambers—Locked up and punished here?

Q. You were punished here by being put in the cooler? A. Yes, sir.

Q. Oh, that is what you meant? A. I don't mean what I was sent here for—what happened here, that is all I want to tell you.

Q. State it. A. In the first place I was punished—my keeper, Mr. Davis, and Flynn was night watchman with Davis; they sent me to work in Mr. Cooper's shop making waists, and while I was to work out there I got my finger mashed—the nail broke off and I had to lay in about a month before I could go back to the shop again—and during that time I had to work around in the hall, helping the tierman—and when I went back to the shop Mr. Harrigan, the keeper in the shop. he says to me, “what do you come back out here for? why don't you stay over there? you had a snap over there, you ought to have kept it;” I told him I didn't have no snap and wasn't looking for none; “well,” he says, “I'll soon hand you over to Riley, now you are back here where I can get a chance at you;” that means, take me over and lock me up; I hadn't give him no cause to make that statement to me; on Sunday I come in, told the warden about it, what Mr. Harrigan had said to me; he says, “Oh, well,” he says, “my keepers ain't said nothing to you;” he says, “get out, get out, I don't want to hear nothing you have got to say;” of course I was driven out like a dog; they wouldn't listen at me; I goes to work, goes back to my cell. And that week, the same week, on Friday night, Mr. Flynn and Davis, about 12 o'clock that night, pulled a bar easy, pulled it so easy till it didn't wake me or my cell mate either, and come in my cell and got a little lamp that wasn't supposed to be lit. It was only a bottle about that high (indicating) and it had a little oil in it, and a little wick, and always kept in the day time when I come in from my shop so I could have it to make my tea and keep it lit; and he borrowed the head hallman's lamp, Johnny Sheldon's lamp, and come in my cell and got this light out about 12 o'clock at

night, and said it was lit. But it was so dark in the cell he couldn't tell where the light was until he went and got another light, and come in my cell and found this light what was lit in my cell. Next morning he come up and takes me out and locks me up. I staid in the cooler two days and nights. I was in terrible bad condition when I got out. I goes in and tells the warden about it. The warden, he told me that his keepers was all bad men, that they ought to be put in jail, ought to be taken down and put in jail, and we were all good boys, we ought to be keepers. Well, I told him how I had been treated and how these men had come in my cell and got that light out, and they had it in for me because I had come in and reported Mr. Harrigan for what he had said to me out in the shop. He says, "I know that, Jones," he says, "I know any time my keepers get it in for a convict it is mighty hard for them to get around without being punished." I told him that I didn't like to be punished unless I done something to be punished for. "Well," he says, "I will see about your case, I will look it up, and if you have been punished wrongtully, I will see about it." He sent me on out. I went out. In the same week, there was two of us in the cell now, there was two of us, and not knowing which one of us put the light there, but by him having it in for me on account of me reporting this keeper, they goes to work, locks me up, and leaves the other man in the cell. He told me the keeper didn't have no right to take me out unless he took the other man. He didn't know which one of us put the light out.

Q. It was a violation of the rules of the prison to have a light at night there, wasn't it? A. The light wasn't lit; it wasn't lit; if it had been lit he could have found it without getting another lamp to look for it; he brought the head hallman's lamp, mind you, to find this light what was in my cell.

Q. What happened afterwards? You were punished; you say you were two nights and days in the cooler and made complaint to the warden? A. Yes, sir.

Q. What happened after that? A. You see, this bar wasn't allowed to be pulled unless all the keepers was on watch; I was on the long term side then; I come back and they put me in the shop again after I was punished, put me back out in the shop; when I went back in the shop—during the time I laid in my cell with this finger mashed, why, the warden went out in the shop, about a few days before I got my finger mashed and it got well, he went back in the shop and everybody was put on task, and I didn't know anything about my task, that I had a task to do; so, on Monday after I was in the shop, the warden come out and locked up 72 of us for not doing the work; I didn't know I was on a task, and when he got us all lined up, he asked if any of us had anything to say; I told him I had been in my cell the time he put the men on task and didn't know that I had a task to do; one of the female instructors out there, ladies, she spoke up and told the warden that I hadn't been told about my task; "well," he said, "that don't make any difference, he ought to have been out here and do it; I was put back, and locked me up that day for dinner, 72 of us, I was in the gang, and wouldn't get any dinner that day, and was taken back to the shop in the afternoon; the next day they locked up the same gang again without any dinner, and I was in the gang then; well, on Sunday I come in and told the warden that I hadn't been told about my task, and I didn't know that I had it; I was willing to do the task, and could do as much work as any man in the place; "well," he says, "you ought to have been in the shop instead of lying in;" I told him I couldn't work with my finger the way it was on the work I was doing; he said that wasn't any of his lookout, I would have to see after that myself; come then and take my lamp and stove away, wouldn't let me have the lamp and stove, taken all what was punished in that gang, taken the lamp and stove away from me; well, I went then next week back in the shop; I was getting along with my work very well, but anyhow I hadn't got up to the task, and come out and locked me up again the next Monday, 32 of us; when he

locked me up that time, the next day I laid in my cell, I wouldn't go out to work because I was sick from being in the cooler without anything to eat, and I laid in—I laid in a week; when I went back to the shop again he moved me off that machine, up in the upper end of the shop, and that was a week it was so cold, I believe in February, and I had my work done, but I couldn't get it in on Saturday night; we had to get it in on Saturday night, so when he looked over the books Monday morning the books would show that every man had his task done for the week; my work was done, but one bundle—four dozen—I didn't get in; he come over and locked me up that day; I was the only man that was locked up that day—on Monday; locked me up and I staid in the cooler three days; took me out and back to the shop; in the evening after my blood commenced getting warm; I couldn't walk, had to carry me from the shop to the building, and the warden come down to my cell and told me that night after the doctor came in, he says, "Jones, what is the matter with you?" I told him I couldn't walk from being in the cooler so long and had rheumatism in my feet and ankles; he says, "I tell you right now, rheumatism, if you don't get out of there and go to work I will take your time for every day you lay in there;" well, I told him he'd just have to take it because I couldn't walk; next day the doctor came around and I asked the doctor what was the matter with me; the doctor said I had rheumatism; I staid in the cell then two days; I went back to the shop again; went out to the shop, went to work, and I commenced doing my task; I done my task all right then; I commenced doing as much work as any man in the shop; I could have done it all the time if I had known I had task work to do; after I commenced doing my work the keepers then they commenced picking at me; seeing I was getting along very well—I have to make a plain statement to you, gentlemen, about my case; there is a lady in the shop, and they found out this lady was in love with me, and when they found that out, why they commenced to punish me again.

Q. Who was the lady—one of the keepers? A. One of the instructors—Miss Mayme Kelly.

Q. Is she a white woman? A. Yes, sir; they commenced punishing me again; she had to come out and instruct me—show me about my work, and they wouldn't allow her to come near me at all; told her she couldn't speak to me and told me I couldn't speak to her; well, her sister was there and they wouldn't allow her to come about me; and the other instructor told her she could come and show me about my work, and told me if I sent for this Mayme Kelly they would lock me up—punish me for it.

Q. How old a woman is this Mayme Kelly? A. She is about, well, from looks, I don't know, sir, how old she is, she looks like she would be about 20.

Q. A young woman? A. Yes, sir.

Q. How did they know that she was in love with you? A. In the first place, I made a little red rose and give her; she accepted it, and after she accepted it, they thought that she was only doing it for fun, and asked her about it, and she told them that she loved me, and then they told me that I couldn't speak to her no more while I was in the shop, and that she couldn't come near me; and after that they told her, Mr. Cooper told her, she could speak to me if she wanted, but I wasn't to send for her, or show her anything about my work at all; one day I sent for her, and Mr. Cooper took me over and locked me up for sending for her, but the reason I sent for her, because I had some work that I couldn't get along without having one of the instructors by me to show me about it, and Miss Kelly, that little one what is in the shop, she told me she didn't have time to fool with me and show me about my work, and I sent for her sister; she told Mr. Cooper that she wouldn't come near me without he allowed her sister, Miss Mayme, to speak to me too; so neither one of them would come near me, and so Mr. Cooper, he takes me over and locks me up for sending for her; the warden came down and turned me out.

Q. How long ago is that? A. This is in March.

Q. March this year? A. Yes, sir; and so after he turned me out I went back in the shop, went to work, was doing my work all right, so on the next week after I was in the shop, they brought some work to me, after telling me I couldn't speak to neither one of the instructors, brought some work to me, told me it was my work, about a week after it had been in, and the work always come back—the way this is, Mr. Harrigan, the keeper, he knowed that this wasn't my work, but he gets this woman to bring this work back to me, knowing that I would refuse to do it, knowing it wasn't my work, and I refused to do the work; and take me over and locked me up; I stayed in the cooler then three days and nights; take me out and put me in the mail bag shop; the mail bag shop is a hard shop, and that shop we have to do thirty bags a day as a task, seventeen rings in a bag, and fifteen stitches, and the shop is only for punishment; when a man fails to do his work the keepers gets it in for him in another shop, why he goes to the warden and gets him changed out of the shop and put him in the mail bag shop.

Q. Who is keeper of the mail bag shop? A. Dick Connors.

Q. He is a very bad keeper? A. No, sir; he is a very nice man—of course, he have to go by the rules of the institution—he treats every man in the shop the same.

Q. Now, is there anything else that you know of to complain about? A. Yes, sir.

Q. What is it? A. I was given some medicine here by the doctor, and this medicine they give me—whenever a convict makes a complaint to the warden against the keeper, or any one of the officials of the place, every man in the place gets after him then and begin to pick at him—I wanted some medicine—I was afraid to go after it, but the head hall man on the other side told me if I went and got medicine he would take a dose of it every time I did; well, I went, sent and got medicine, went over after it; when I called the head hall man to take

it he refused, said the doctor had given him a bottle just like the one I had taken—I refused to take it—I had taken the medicine out in the shop and was telling some of the boys out there about it, and they said they would take it—I gave it to one of the men in the shop—he taken three doses of it that day, as the directions said—the next morning he couldn't see hardly—his eyes was swelled up—he had to lay in sick for about a week, only taken three doses of medicine—well, they laughed at me about it—I asked another fellow to take it—he taken a dose of it—done him the same way—I hadn't taken any of it because I was scared of it and I knowed they was after me.

Q. Now, was there anything else, Mr. Jones—there are some others we want to examine—we don't want to take too much time—we want to give you an opportunity to say what you have to say, and give the others the same opportunity—is there anything else you have to complain about? A. Yes; I want to make a statement about this grub that we get to eat.

Q. Yes? A. The bread sometimes is sour, and the meat is green and rotten and we can't eat it at all.

Q. Is that always the case, do you mean? A. And potatoes and onions.

Q. Is the meat always in a bad condition? A. Not always in a bad condition, but more often bad than it is good.

Q. How is the fish? A. The fish is rotten; I don't eat that at all, can't eat it.

Q. Do you know anybody that does? A. No, sir; I don't.

Q. Now, is there anything else you know of besides the food? A. Yes, about my being locked up; Mr. Flynn, you know, after he locks me up—he locked me up for fighting in my cell; the way this was, after I had got punished so much in the shop about speaking to this instructor, and I goes to work and asks the warden to bring me out of the shop, he said that he wouldn't bring me out, that I would have to stay there; he goes to work and so I would get moved out anyhow,

makes no difference what I would say,—I went to the warden and asked him to move me out, and he refused ; well, I got punished the next week in the shop—at least, the keeper come to me and spoke to me, told me not to even look up or look at this woman when she passed Mr. Cooper ; well, I asked him to let me see the warden at noon, and he refused ; so, on Sunday I was going to him to get moved, and I got orders from this lady not to go to him, and I refused to go ; Mr. Harrigan, he put my name down on Sunday morning, anyhow, to go out to see the warden ; when they called me I wouldn't go ; that night, Mr. Flynn, the night watchman and Mr. Harrigan, gets him to come to my cell ; he came to the door six times, but I was sitting down reading ; my cellmate was gone to bed ; next time he come he says : “ You want to have less talking ; ” I says, “ I am not talking, my cellmate has gone to bed ; ” he says, “ well, you will have less noise ; ” he goes and pulls the bar, goes in for the keeper, pulls the bar, and brings me out and takes me over and locks me up, locked me up ; I stayed in the cooler then two days and nights ; when he had taken me out, brought me back to my cell, that night he says to my cell mate, he says, “ I wouldn't have taken you out and locked you up, but I had it in for Jones, and I was after him, and I couldn't well get at him without locking you up too ; ” brought him corn beef and onions and buttered bread ; he says I will give you this to eat, you have been in the cooler so long, you are not as bad as they say you are, but I wont give him a damned bite ; ” and Mr. Flynn is a man that cursed me for a black bastard ; I goes in and tells the warden about it, and when I tell the warden about him he says that his keepers didn't curse nobody and refused to hear my statement about it and driven me out of the office.

Q. Did you ever make any complaint to Doctor Bass here—the chaplain ? A. I have written for him several times, and every time I would send for him I would be in the cooler and never get to see him ; when he would come to the shop I was in the cooler ; I wanted to

make complaint to him several times, but every time he would come in the shop I would be locked up; when he did come, they wouldn't allow me to speak to him.

By Mr. Bass:

Q. Did Mr. Cooper ever refuse to let you speak to me when I came in the shop? A. I have asked Mr. Cooper, told Mr. Cooper when you come I wanted to speak to you, but he never made mention to me when you come; I would see you there in the shop, and I have told him that when you come that I would want to speak to you, but when you come, why, he would never—

Q. Have you ever held your hand up while I was in the shop? A. No, sir; the reason I didn't do that, because I knew there was so much prejudice against me; I think I didn't think that you would speak to me in the shop.

Q. Don't you see me speak to every person in the shop? A. Yes—sometimes you come and call for men in the shop, and they are sent and picked out and you go to see them.

By Mr. Hirsh:

Q. Is there anything else that you have to say, Jones—if there is not, I want to give somebody else a chance? A. Yes, sir—I have got something else, but I can't just think of it, right now—about the work that we have to do; the other day in the shop, why, the warden come out and told the keeper, Mr. Connors, that some of the men wasn't doing the task; of course, I am doing my task, and been doing it ever since I have been in there; he told the warden—shouted in the shop, loud enough above the machines and everything, for every man in the shop to hear it—that if every man in the shop didn't do his task, he wanted them locked up; he cared nothing about the committee or nobody else, and if he didn't lock them up he would make a charge against him and have him discharged; well, there was several of them locked up that day; of course, I am in the shop and on the same kind of work that these other men is on—

Q. Now, is there anything else? A. Yes, sir; I was locked up here about two weeks ago; I was sick about the bath over there, where we go in; everybody has to go in the same place, colored in the afternoon and white in the morning; I was sick and wasn't able to go in the bath; so I told my keeper that I didn't like to go in; so he sent me off anyhow to go in the water while I was sick, and I refused to go in; so they let me off and locked me up for not going into the water, and come down and told me I had to get an excuse from the doctor; didn't want to go in the bath; there was no bath here that week; so when I did go to the doctor to get an excuse he refused me.

Q. Now, is there anything else? A. That is all.

Mr. Hirsh.—That is all, now.

Peter W. Crawford, having been called, testified as follows:

Examined by Mr. Hirsh:

Q. Where do you come from? A. I came from Mississippi.

Q. What are you here for? A. Charge of impersonating a government officer, claim agent.

Q. And sentenced from Mississippi, United States prisoner? A. Yes, southern district of Mississippi.

Q. United States prisoner? A. Yes.

Q. You were sent here for how long? A. Three years.

Q. How long have you been here? A. I have been here now since the 11th of June, 1894.

Q. Have you any complaint to make with reference to the institution? A. Yes, I have a written complaint I would like—

By Mr. Whittet:

Q. I would like to ask what his occupation was? A. For ten years I was a public school teacher in the States of Mississippi and Louisiana; of course, I am a member of the Nashville bar, a lawyer by profession.

By Mr. Hirsh :

Q. Admitted where, in the State of Mississippi? A. No, sir, State of Tennessee.

Q. You were admitted to the State bar of Tennessee? A. Yes, sir; I was admitted to the bar before the courts in the State of Tennessee.

Q. Out of a college? A. Yes, sir.

Q. What college? A. I was a member of Central Tennessee College, a college established in the state of Tennessee for the education of colored law students, and after having finished my course I took the examination and was motioned to practice before the courts by Lawyer Woods, of Nashville.

Q. How old are you? A. Twenty-seven years of age.

Q. You say you have a written statement? A. Yes, sir.

(Witness hands statement to counsel.)

Q. Does that contain all? A. All—yes, sir.

Q. That you have to say? A. Yes, sir.

By Mr. Chambers :

Q. When was this statement prepared? A. About twenty minutes before I came here to the office.

By Mr. Whittet :

Q. What shop are you in? A. Mail-bag shop.

By Mr. Keenholts :

Q. Is that a pretty hard shop to get in? A. Yes, sir; I am an invalid; I have been seriously wounded, and I am compelled to do the task; that is what I am complaining about.

Q. Where were you wounded? A. I was shot in the back, my rib was broken off from my backbone, I was also shot through my jaw, the ball passing through my throat.

Q. When was this? A. This was done in 1892.

Q. In Mississippi? A. Yes, sir; the ball is now in my tongue.

By Mr. Chambers :

Q. Under what circumstances? A. I was shot.

Q. Yes. A. In a political campaign; that is what I got out of it; I was examined by the doctors, and said there was nothing the matter with me.

By Mr. Hirsh :

Q. That is all; I think you cover the ground fully in your statement; you have nothing else to say but what is contained in your statement? A. That is all I have to say, sir.

(The following is the statement submitted by the foregoing witness.)

“Grievances.—I was convicted in the United States Federal Court held for the Southern District of Mississippi, on a charge of falsely impersonating a United States Government agent, and sentenced to three years’ imprisonment on the 21st day of September, 1894; I have the misfortune to be disliked by Warden Hayes and the keepers for reasons unknown to me, and I have in consequence been subjected to very cruel and inhuman treatment by some of the keepers, the doctor, and Warden Hayes; during the month of May, I had occasion to report Keeper McManus under whom I work, for cursing me for a G—d— negro, which caused him to watch an opportunity to lock me up; I was detected on the 10th or 11th of June, in an act of taking a piece of paper from a crack near my machine, which I intended for waste paper; I was detected by Captain Helm, who cursed me for a damned pup; he informed Keeper McManus who in turn cursed me and locked me up in a dark cell or cooler, where I was forced to remain five days and nights on bread and water; this cell or cooler comprised only a dirty mess bucket that I had to sit upon; the floor was kept damp; the keeper, to whom it was left optional to keep me in this condition as long as he desired, refused to take me out even at the expiration of five days and nights; having become absolutely helpless, the result of the cold and foul air I had to breathe and no food save a cup of cold water and a piece of bread every 24 hours, I

was taken out by order of the doctor ; I did not violate any of the written or known rules by trying to get the paper, but my health has been materially injured by that punishment ; again I was locked up by Deputy Warden Jones and kept in the cooler three days and nights on bread and water for having two one-penny stamps and a blank envelope in my cell that was left for me by Chaplain Bass, which fact has since been proved ; young Doctor Bourgen refuses to give me any medical treatment, and representing me to the warden as a fake, notwithstanding I have been wounded by a ball from a 38 that broke my rib from my backbone, that I've been shot through the jaw, the ball now in my tongue, and am also a victim to chronic syphilis, which disables me to work, he refuses to diagnose my case and recommends that I shall perform a full task, which I am unable to do, but I must either perform the task which is unreasonable, or take the penalty, 48 hours in the cooler ; again, we find it very uncomfortable here in the winter, as we are deprived of our underwear on entering the prison and forced to go with a very thin pair of tickings with no drawers and only one shirt ; we are forced to plunge in a dirty tank of water every Saturday evening after the white prisoners have bathed, which is not only impregnated with bacteria from other diseased prisoners, but is very cold and seriously injurious to our health, we that come from the South ; the keepers contend that the filth left in the water by a thousand white prisoners is drained off by means of pipe ; this statement is unfounded, and it is evident that the microbes in the water can only be drained off in proportion to the amount of water let out ; we are often forced to take the plunge, sick or well, as a permit to remain in the shop must be gotten from Doctor Bourgen, who is very partial and prejudiced in his administration of public justice ; again, we are forced to accomplish the unreasonable task of 30 bags in 12 hours or go to the cooler ; this the order of Warden Hayes ; I am unable to perform my task, but the demand has been made imperative and, in order to evade the painful penalty, I

pay others to help me by trading my tobacco for bags ; again, we are not half fed ; the food we have to subsist upon is not fit for so many dogs, and if the public really knew the unreasonable treatment, i. e., the food we are forced to eat, they would shrink with horror that such treatment is tolerated here in the City of Churches and in an institution that is supposed to redound to the reformation of the prisoner ; the writer does not make this complaint as a vindication for the commission of a crime ; but to show that Kings County Penitentiary defeats itself in its professed object, if that object is reformation ; we get a cup of hot water or coffee's cousin unsweetened, and a piece of light bread for breakfast ; a pan of soup that would colic a coon ; the soup is made of fresh beef ; the contents of the soup are often changed, but it is always soup for dinner with a piece of bread, so you see one meal a day constitutes our daily food ; the soup is not palatable as it is not clean ; again, Warden Hayes is partial in all of his decisions among the convicts where a favorite is involved with one that is not ; he is austere and unapproachable ; a serious consequence would follow if one of we unfortunates would deign to speak to him as his majesty passes through the shops ; we are allowed to see him on Sunday ; a very few of the prisoners are allowed to express themselves fully as their assertions (which are generally expressed in a state of temporary excitement) are invariably subjected to ridicule which results in a laugh for the benefit of the jailers standing around ; we are forced to work hard all day, i. e., from 7.30 a. m. to 5.30 p. m. ; our best and only chance to do any reading has been at night, which opportunity has been deprived us in that we are not allowed any oil for our lamp ; I am a United States prisoner and am unable to purchase oil or anything for myself ; the young Doctor Bourgen is one of the most cruel and unreasonable of physicians ; he absolutely refuses to treat some of the men regardless of their disabilities ; he amuses himself by making fun of some of the men and drives them from his office.

(Signed) P. W. CRAWFORD."

Alfred H. Chaney, having been called, testified as follows :

Examined by Mr. Hirsh :

Q. Where do you come from ? A. Port Smith, Arkansas.

Q. What are you here for ? A. I am charged with train robbery, and I thank God the charge is all, too.

Q. For how long were you sentenced ? A. Twenty-four years.

Q. How long of that have you served ? A. What day of the month is this ?

Q. The 8th of October. A. I will be sentenced two years, as well as I remember, the 21st day of this month.

Q. Have you any complaint to make, Mr. Chaney ? A. Yes, sir.

Q. Just state it ? A. (Witness removes his coat and shirt and shows his shoulders.)

The Witness—When you squeeze those lumps little matter comes out ; I have tried several times to get medicine from the doctor ; but I go over there, it is—(witness nods his head) : “ Well, I might as well chase you out ; ” that is about what he will say.

Q. How long have you been suffering from that ? A. Five or six months.

(Witness bares his legs, showing them to be covered with pimples similar to those upon his shoulder.)

The Witness—I ain't as bad as I was ; I have tried to get a little sulphur from him ; men raised in the west will often try to get sulphur ; I tried to get sulphur from the doctor ; he wouldn't give me nothing at all. I says : “ Give me a little sulphur. ” He says : “ No, I won't do that. ” Give me nothing ; well, he did eventually, though ; I will give it straight ; eventually he says : “ I will give you something ; ” give me two bottles of medicine ; done me no good ; didn't get no more medicine ; I went to get some more medicine ; he didn't give it to me ; then about six weeks ago I fell in the shop walking back carrying some bags, 80 bags me and another man carried ; I was walking back in a narrow aisle and I walking backwards that way

stumbled over a bag and I fell ; you can observe my arm is a little out of place (exhibiting arm) ; that was done just before going in time ; I sent for the doctor to my cell ; the arm swelled up ; he said it was just strained a little ; next morning I went to work ; when I went over there the keeper, he says, “ well, your arm is swelled pretty badly ; 8 o’clock, time to go and see the doctor, I went over ; it swelled so I couldn’t use my hand at all ; well, of course, I had the keeper send word to the doctor—some pretty nice keepers here ; you will find good and bad in all classes, I never seen it fail—but the keeper sent word by the convict runner, he says, “ tell that doctor to lay this man in on account of disability ; ” of course my arm was swelled up ; went over there ; he took me in, I told him that it was out of place ; anyway I will bear the test ; any man can see that the arm is dislocated in there a little bit ; “ well,” he said, “ there is nothing the matter with it ; ” well, it ain’t well yet ; I can carry about five or ten pounds.

Q. What doctor was this, Dr. Bourgen ? A. Yes, this little doctor over here, this little boy-looking fellow ; now, another complaint to make ; that winds up the doctor.

Q. Go right ahead ? A. Last February, about February, this brush shop started up ; the instructor in our shop, we have little brushes to clean out, some of the boys have been getting this to make brushes around for the sewing machines ; I work on the sewing machines ; I concluded I wanted a little brush as well as the other men ; mighty handy about sweeping out the machines ; the runner in the shop managed to get me a little piece of that ; the instructor had complained about me keeping a dirty machine ; I told him I wanted a little piece of that ; I had seen some of the other fellow-convicts working with a little brush and saw it was very handy, and he managed to get me a piece and I put it in my pocket, and at noon that day there was a pair of shears laying ; I wasn’t working with the shears, but the man next to me saw the shears ; of course there I violated the rule of the prison, I will admit ; thinks I, I will take

this shears in and during the noon hour make a little brush ; there was a man in the cell with me very handy with tools, more so than I am ; he told me in the morning, we were eating our bread and coffee, we were talking about the brush ; I told him I wanted to make me a little brush ; “ well,” he says, “ you bring me in the shears at noon and I will fix you a little brush nice to clean out your machine ;” so he did so at noon ; started in with the shears, and that day at noon they searched me ; of course, I had the shears ; well, the keeper wanted to know what did I have them shears for ; I think what they call it, some has got hair and some what they call tull shears ; I think that is the correct name ; I told him I was going to make a little brush to keep the machine, wash it up nice ; they took me, then, down and put me in the lockup, the dungeon ; that was in February ; that was pretty cold, put down there ; I reckon you men has saw it, haven’t you ?

Q. Go right ahead ; there is some others we want to hear ; we would like you to make your statement as speedily as possible ? A. The warden come down and wanted to know what I was in for ; I told him taking those shears, and he said a word or two, and told the keeper, another keeper with him, to lock me up ; staid in four days lacking about two hours, and I got bread once every morning, that was all ; that was Friday at noon, and they kept me in there four days ; turned me out about 10 o’clock, and been in four days at noon hour, I had been locked up, the day he come down to take me out ; they wouldn’t have took me out then, I don’t think, but some keeper or other brought four or five more men down to lock up, and I heard them talking ; I was on the inside ; I don’t know who it was out there, I couldn’t see out, and I heard some one say, he says, “ everything is full,” that there was no empty cells ; well, then, they went, somebody went and seen the warden directly to come down there ; the warden unlocked the door, or the other keeper, I don’t know which now, and he says, “ Chaney, how do you like it in there ? ” I told him I didn’t like it, I was sick, and I was sick, and I would like to be turned out ; he says,

“ Chaney, I always thought that you were an innocent man here,” and now he says, “ now, I have changed my opinion, and,” he says, “ you have always been telling us people ”—I believe that is correct—“ always been telling us people that you were an innocent man ; ” well, I was broken down, had nothing to eat for four days, and I begin to cry, and I says, “ I am an innocent man and God knows it ; ” “ well,” he says, “ go on out of here and go on, and don’t you be telling anybody any more that you are an innocent man ; ” I says, “ I am an innocent man, and I will stick to it ; ” I says, “ I have proved myself clear according to the laws of justice, but,” I says, “ yet I am in prison, and,” I says, “ I am an innocent man ; ” they took me off and I went out to work that afternoon ; well, then—to-day is Tuesday, I believe—last Tuesday I told Mr. Sullivan, the head hall-man, that I would like to see Mr. Bass, and Mr. Sullivan sent for me and Mr. Bass came, and I tells Mr. Bass that I wanted to see the reporter from the New York World, and I told him some parties that I wanted to see if I couldn’t get the paper ; I reckon you saw the piece in last Friday’s paper, a small sketch, I never have saw it ; and the reporter came to see me Thursday ; I went back to work, and Sunday morning I heard, though, that there was a small piece in the paper about me, in regard to my case, and I said to my keeper in the shop that I would like to see the warden Sunday morning, and Sunday morning I was admitted to see him ; the warden walked up, and I says, “ Warden, I would like to get to see that little article that is put in the paper in regard to myself ; ” he says, “ oh, Chaney, Chaney, the papers is full about you ; ” and I says, “ yes, and, thank God, I want them fuller, too ; ” and he didn’t let me have the little article at all that was put in the paper.

Q. Now, is there anything else with reference to the prison that you have any complaint about, aside from what you have said ? A. Yes, sir.

Q. Now, will you go right ahead, because we want to examine some

others of your fellow convicts and want to give them an opportunity of being heard? A. Well, I don't think we get sufficient food here; I reckon you have examined it.

Q. There has been a general complaint about that? A. Yes.

Q. Now, is there anything else? A. Well, when I first came here and went to work—I am not a fast hand at work anyhow, unfortunately, and they have a task here, I believe they call it a task, that they exact of a man after he is here a little while; I have never been punished for my work yet; I have managed to get along very well with that, but there is work here that I don't do that is heavy on the men, I see that other men has to do, and fortunately it has not fell to my lot to do.

Q. Is there anything else that you know of from your own personal knowledge? A. That I know of?

Q. Yes, that you want to complain about? A. Well, a little incident occurred here no longer than this morning; it seemed to be pretty rocky; I am just going to tell what happened.

Q. Yes? A. There is a man named Evans works right by my side; I says, "Evans, why don't you give your name to go and see the committee?" "oh," he says, "I wouldn't do that for nothing;" I says, "why?" "why," he says, "if that warden was to get hold of me going in, and telling anything in regard to this work, or anything, he would lock me up and take every bit of my short time, and I wouldn't go in there for nothing."

Q. Now, is there any other complaint that you have to make besides what you have stated? A. I would love to tell just how I have been sent here.

Q. No.

Mr. Whittet— We haven't got time.

Q. Besides that, we haven't got the power of review over your case; the courts have that solely; this is purely a legislative committee examining the management of this institution; no power to review

the case of everybody that is in the prison. A. I understand; I was just going to say that I would just love to tell just what I —

Q. Now, is there anything else? A. I don't know that there is; I heard the warden saying something or other about locking a man up right close to me one day; he says, "lock him up, lock him up;" he didn't care for something or other, and some of the boys said he said, "lock him up" he didn't care for the committee; but I won't say that; I will say just what I heard; he said, "lock him up, lock him up," he didn't care —

Mary Kelly, having been called as a witness, and sworn by Mr. Whittet, testified as follows :

Examined by Mr. Hirsh :

Q. Do you know George Washington Jones? A. Yes, sir.

Q. You are an instructress in this place? A. Yes, sir.

Q. In what shop? A. In shop number five, Mr. Cooper's room.

Q. What work do they do there? A. Shirt waists.

Q. Who are you employed by as instructress? A. The firm.

Q. Is it the firm that has the contract? A. Yes, sir.

Q. And is there any other female employe of the firm here? A. Yes, sir.

Q. All the instructors are employed by the firm that has the contract? A. Yes, sir.

Q. George Washington Jones seems to labor under the opinion that because you are in love with him he is not treated properly; do you know anything about that, Miss Kelly? A. Well, I tell you, I look at it, of course, I was annoyed very much in the beginning with that man, and, of course, it is ridiculous to think of such a thing, and I had to complain finally, at last, to the keeper; I thought it was only right to speak of it, and the keeper seen it was useless to keep reprimanding him for it, and finally spoke to the warden, and the warden was kind enough to remove him from the room, and, of course, since

then I have not been annoyed with him any more than to hear the remarks that he makes, that is all; of course, I look at it that the man is crazy.

By Mr. Whittet :

Q. Demented?

By Mr. Hirsh :

Q. Yes; how many men are employed in the shop in which you are instructress? A. I guess there is as many as 130 in the room.

Q. And how many lady instructors are there in the shop? A. Three.

Q. Your sister is one? A. No, sir; my sister isn't here any longer.

Q. She was one of the instructors? A. She was an instructress, too; she left here last week.

Q. How old a woman are you? A. Twenty-six.

Q. How old are the other instructors? A. Well, I couldn't tell.

Q. About? Are they as young as you are? A. Well, one, I guess, is; one lady is a widow.

Q. About as young as you are? A. No, I guess—she is older, I know.

Q. About how old is she? I want to get an idea about that? A. No, I couldn't—I am a poor judge of ages.

Q. Well, is she as old as 50? A. No, sir.

Q. Do you think that she is less than 40? A. Yes, I think she is.

Q. And the third lady instructor—how old do you think she is? A. Well, she might be something around my own age.

Q. So that none of the lady instructors are above 40? A. No, sir.

Q. And you are unmarried? A. Yes, sir.

Q. And one of the other instructors is a widow? A. Yes, sir.

Q. And the other is a married woman? A. No, a single lady.

Q. And all three, you say, are employed by the firm having the contract with the department of charities? A. Yes, sir.

Q. That is a long-term shop, is it not, the waist shop? A. Well,

the most of the men are long-term—there are quite a number of short-term men.

Q. But you seek in that shop to put in long-term prisoners generally? A. Well, I couldn't say about that—I don't know.

Q. What are your hours? A. From 8 until, well, we stop at 5 o'clock—well, before 5 they break up.

Q. You come here in the morning from your residence? A. Yes, sir.

Q. And go away in the evening? A. Yes, sir.

Mr. Hirsh—I think that is all, unless the committee want to ask a question.

By Mr. Chambers :

Q. I want to ask—your department is the shirt waist department, Miss Kelly? A. Yes, sir.

Q. And a task is given each man? A. Yes, sir.

By Mr. Hirsh :

Q. Who makes the task for the men? A. Well, I tell you, I think our superintendent has something to do with that ; I haven't got charge—I merely instruct.

Q. But you know what the task is? A. Yes, on certain parts of it I do.

Q. And do you know generally whether the men do their task or not? A. Well, most of them do.

Q. Are you aware, do you become aware when they do or they do not do their task? A. Well, most of the men do their task.

Q. I understand that, but I want to know whether you become aware of the fact when they don't do their task? A. Well, yes, some of them.

Q. And what is done with them if they don't do their task? A. Well, they are punished.

Q. Who reports that fact, they don't do their task, the instructors? A. No, sir.

Q. Who does it? A. Well, there is a bookkeeper that keeps an account of the work.

Q. With each convict? A. In each shop, and of course, it is only necessary to look at this book to see what amount of work each man does.

Q. Who goes around looking at those books every day; the warden or the instructors or superintendent? A. No, the warden.

Q. Then the contract calls for a certain amount of work to be done by each man per day, and then the warden looks over that in order to see that the men have complied with the terms of their contract; is that right? A. Well, I don't know anything about the contract; I couldn't answer that question.

Q. How long does it take for a man to learn waist making, or his particular portion of it? A. Well, they are allowed six weeks to learn their portion of the shirt waists.

Q. So if a man doesn't learn in the first or second, or third or fourth week, he still has the fifth and sixth weeks to learn in before he is punished? A. Yes, sir.

Q. Did you ever know of any man punished before the sixth week for not doing his task? A. No, sir.

By Mr. Chambers :

Q. Are the tasks allotted to the convicts all alike, each man has to accomplish so much?

By Mr. Hirsh :

Q. Each convict has to accomplish the same task? A. Yes.

Q. And what is that task, Miss Kelly? A. Well, you know, of course, there are different parts of the work.

Q. Yes? A. And each man has to do so much of each part of the work; well, it is according to the amount of work on each part of it, you know.

Q. It is different on each part of the waist? A. Yes, there is no two parts of the work alike—that is, the amount of work, I mean.

Q. How long have you been instructress here, Miss Kelly? A. Thirteen months.

Q. Have you found, in your experience, that different men can not accomplish the same kind of work? A. Yes, sir.

Q. And yet they are compelled to? A. Well, the most of them do get their tasks done after a while—of course, there are some that it is almost impossible for them to do it; some are naturally slow and it is very hard.

Q. Is there any distinction made between them? A. No, sir—not any.

Q. Then, where some are naturally slow, as we find them in all walks of life, slower than others, they are punished for what they are unable to do—that is true, isn't it? A. They don't get their task done.

Q. And the result is that they are punished? A. Yes, after they are given a certain length of time to do it.

Q. That is, to do their task? A. Yes, but of course they get a certain time first to do it.

Q. That is the six weeks you speak of? A. Yes, sir.

Q. Is there any way that you know of, from your experience here, how a discrimination could be made between the man who is naturally slow and would do everything slow, and the man who learns quickly, and can do things quickly? A. No, sir.

Q. You don't know of any? A. No, sir.

Q. Are the keepers the sole judge of what is to be done with a man whose task is not done? A. I couldn't say about that.

Q. How do you know when a man is punished? A. Well, sometimes they speak of it themselves.

Q. Speak to you? A. Well, they might speak to us, yes—or might hear it from another—they might not speak just to us about it.

Q. Then you notice it also that they are absent from the shop? A. Yes, sir.

Q. Then you know they are punished? A. Yes, sir.

Q. What is the greatest length of time that you have noticed this absence? A. Well, only during the dinner hour; that is the only time, the greatest length of time.

Q. Do you mean to say that you have never missed a prisoner except at the dinner hour? A. Not that he has been punished for not doing his task, I have never missed a prisoner, only just during that hour.

Q. Do you mean to say that no prisoner has ever been away from your shop for more than a day or two? A. For not doing his task?

Q. For anything? A. Oh, for anything; well, yes, I might, under punishment, certainly, he would be out of the room.

Q. Now, you wouldn't know what he was punished for, would you? A. No, certainly not.

Q. He might be punished for not doing his task? A. Yes, sir.

Mr. Bass—There is a bookkeeper there by the name of Portfield—

The Witness—Of course, there may be men absent from the room that are sick sometimes.

Mr. Bass—He keeps the books, and as I understand, the work of each convict—each one in there—is reported to him.

Mr. Hirsh—So she has stated.

Mr. Bass—This man Portfield, he makes his account up Saturday night or Sunday morning and hands it in to the warden on Monday, and that accounts for these prisoners being locked up at dinner time on Monday.

Mr. Hirsh—Yes, after he has examined their accounts.

Mr. Bass—Yes.

Mr. Chambers—I will ask you, counselor, here, if you will permit the interruption, in the contract between the parties who have the shirt waists or the product of these different shops, do the authorities of this institution contract with outside parties to deliver to them a certain number of waists, for instance, per convict employed in the shop?

Mr. Hirsh—No, a certain number of hours; a certain number of men and certain number of hours' work.

Mr. Cole—Isn't it all piece work?

Mr. Hirsh—Yes.

Mr. Cole—But with a contract?

Mr. Hirsh—Yes.

Mr. Cole—Consequently, that is why they are anxious to get more out?

Mr. Hirsh—Piece-price system, that is what it is called.

Mr. Bass—That is what the men complain about, that while the law don't allow them tasks, the men are ordered to do so much, and if they don't do it they are locked up for disobedience of orders.

Q. Is there anything you have to say with reference to the conduct of the prison, that you see comes under your observation? A. No, sir.

Mr. Hirsh—That is all; much obliged to you.

John Ennis, having been called, testified as follows:

Examined by Mr. Hirsh:

Q. What are you here for? A. Burglary, third degree.

Q. From Brooklyn, are you? A. Yes, sir.

Q. How long have you been here? A. About 20 months, a little over 20 months.

Q. How long were you sentenced? A. Three and a half.

Q. By Judge Moore? A. Yes, sir.

Q. Any complaint to make, Mr. Ennis? A. Yes, sir.

Q. What is it? A. Well, the food generally is bad, bad meat; bread sour four times a week out of the six or seven days; the only time there was vegetables in the soup—

Q. Well, anything else besides the food? A. I was in the store-house down here, under Mr. Green, when this man came here, Warden Hayes—

Q. Then you were here before this time? A. Yes, I was here once before.

Q. What were you here then for? A. Cruelty to animals.

Q. Well, was there any difference between the two? A. Yes, sir, a great difference.

Q. What was the difference? A. In Warden Green's time he used to give cabbage, pork, pork and beans, mackerel, turnips and potatoes, carrots and everything like that; there is none of it at all here now.

Q. You complain, the same as all the others did, that there is no variety; all that you get for breakfast is bread and the evening bread?

A. Yes, sir.

Q. Is there anything else, Mr. Ennis? A. Yes, sir.

Q. What else? A. This man, when he was here about two months, we were given a sick list here, the sick men — Warden Hayes was here about two months and took about 40 pounds off the first or second month he was here, meat for the sick men; two months after that I believe he took it all away; the sick men had to go over to the cook-house and get regular rations just like the strong men.

Q. Well, is there anything else, Mr. Ennis? A. Yes; I see him have a boy tied to a roller out there, about 16 years of age, two or three different occasions.

Q. A small log of wood? A. A stone roller, weighed about two tons, gentlemen, with about two feet of chain.

Q. When was this? A. Ninety-one or ninety-two.

Q. Do you know who the boy was? A. No, sir. Several more, a lot of the keepers seen it.

Q. Did you ever see any convicts beaten? A. Yes, sir.

Q. Many? A. One.

Q. Who was that? A. Well, I see two or three beaten by Warden Hayes himself.

Q. In the shop? A. Outside the shop.

Q. What for, do you know? A. For not going lively enough

with their loads. The week that the fire was over here, when they were cleaning out the rooms.

Q. When the roof of the shop burned? A. Yes, sir.

Q. Beating him with what? A. Took a club from a keeper and beat them over the legs.

Q. Is there anything else that you have seen here that you desire to speak about, Mr. Ennis? A. I have seen him punish a woman one day I was down, too, a visitor here, one Sunday, hit her, knock her over on the stoop.

Q. Do you know whether she had violated any of the rules regarding visitors? A. I believe she was an ex convict.

Q. Do you know what her name was? A. No, I do not. She came to see a man named McMahon.

Q. Now, is there anything else that you have seen? A. See him lock up two and three dozen men every day in the shirt shop. Sullivan was running it.

Q. What shop are you in? A. I was in the cooper shop at that time.

Q. What shop are you in now? A. I am in the bag shop.

Q. Mail bag? A. Yes, sir.

Q. Are you treated well there? A. Well, I am now; yes, sir.

Q. Have you any complaints to make of any description? A. Well, there is men over there, I see them go crazy from they couldn't do their task, a man named Cowley.

Q. How long ago? A. This summer.

Q. What was done with him? A. Sent him to Matteawan. He used to cry every day over there; not able to do his work. I used to help him out myself once in a while, and the warden was up there about a week or two ago. He said he didn't care for the committee, lock the men up if they didn't do their task.

Q. Who did he say that to? A. Everybody, every prisoner in the shop could hear him.

Q. Is there anything else? A. I seen a man poisoned here.

Q. How do you know he was poisoned? A. He told me so.

Q. How did he know? A. I was with him. He and me going from here to the storehouse, and he says: "I will go in to the druggist and get something so I can sleep to-night." I says, "You better not, you better take this county tea in the evening and drink that and you can sleep." A man named John Patterson, healthy a man as any man in this room; he came out and he says, "The druggist done me, Jack, don't say nothing about it;" and loosened his shirt—before I could get him up, grab him under the arms and put him on the street again, he was dead. Carried him down in the machine shop, and I told my good friend Hayes and the druggist that they were after poisoning him.

Q. When was this? A. Eighteen hundred and ninety-one, I think. Mr. Bass there knows Mr. Patterson. He was a healthy man.

Q. Do you recollect a man named Taft here? A. I seen him.

Q. A little man? A. Yes, sir.

Q. Was over in the hospital? A. Yes, sir.

Q. Was he present, do you know, when that poisoning was done?
A. I couldn't say.

Q. And who was the druggist that administered this poison?
A. Zohn.

Q. He isn't here now? A. No, sir.

Q. Did you ever hear of any other case of poisoning? A. No. They are afraid to go near the doctors here.

Q. Afraid to go near the doctors? A. You hear them saying that.

Q. Why? A. You hear them saying they get the black bottle.

Q. What is meant by the black bottle? A. Well, put them out of the way, I suppose that is what they mean by it.

Q. Is it a usual thing for a man to be put out of the way here?
A. It seems so to some of them.

Q. Do you know of any other case but the one you speak of?

A. No, sir. I went down to the bath-house next day to see that man. He was swelled as big as a barrel.

Q. It would be generally known among the convicts here when men are poisoned, wouldn't it, one would tell the other, communicate it in some way? A. I seen a man here on the second tier in there, went down to get a dose of salts, and that afternoon he was dead. Healthy looking man, old man, about 45.

Q. What was his name? A. I disremember his name now.

Q. When was this? A. I think it was in '91. There was an orderly in the hospital here then, he knows him, named Gillespie.

Q. Has there been any of that kind of goings on here within the last three years, since '91? A. I didn't hear of anything.

Q. Is there anything else that you know about the institution, Mr. Ennis? A. No, only the men don't get proper care, nor enough buckets in the cells, ain't big enough for two men. Took the foot-boards out of the cell, what was a benefit to the men in cold weather, and none of them in the cells at all now. Get on to your cot, you get on to the flags. A lot of men washes their stockings and things in their dinner pans here. I have seen them doing it.

Q. Is there anything else, Mr. Ennis? A. No, sir.

Q. That you can think of, that you know? A. One thing. There is a big difference in this man and ex-Warden Green. Warden Green would let the old men and cripples walk around the yard there Sunday, and every other day. Wouldn't let them work. There is no cripples idle here now. Every one of them is working.

Q. Ain't there any idle men around the prison? A. Not now, I don't think.

Q. Are you sure about that? A. Well, some days there in the shops they are slack there. I generally look out the shop windows and see cripples and them working over at the stone piles.

Q. Now, if there is nothing else, we will get something else. A. Well, I just want to tell you how I was sent here on the cruelty

to animal case, innocent, and this time innocent. Well, with politics in the Tenth ward. Barney Mulholland run for congress against Mahoney and I carried the Democratic district for him, and the police got pounding me and I wouldn't stand it and they thought the best thing they could do was to railroad me, and the day before Fred Massey went out he said I will have to be tried. I wanted to put the trial back and he called a jury himself; had no witnesses there. There were three of us arrested for the charge of cruelty to animals and I was the only one tried on it and he give me a year and 500 fine. I was up here about 18 days and Judge Platt, I believe, got a discharge out of here. Jack Brennan, the sheriff, come and took me from my work and fetched me back here. I done a year and thought I would get out of the fine. Fred Massey sent his heelers here to tell me if I would give him \$75 or \$100 he would get me out. I done a 100 days and I had to stay here for the 500 days. The charge I am here for now—a man was arrested with me, worked in this place, his tools was in the place. Didn't see him for 10 days previous to the night he was arrested. Never was in his company. I meet him in a liquor store once in a while and have a drink with him. The day we went to the trial, I had Miner as counsel, told me I wouldn't be tried that day. This Irishman got on the stand and swore I had my overcoat and a moustache, which I never wore an overcoat; never had a moustache on for three months previous to this night, and Judge Moore gave this man a year and gave me three and a half; and then Miner says: "Have you enough to get the stenographer's writings? I will appeal your case so we can get you out of it." I hadn't the money and I am here yet.

Q. Is there anything else you have to say with reference to the management of the institution? A. It ain't run right. One man runs the whole business, keepers, prisoners, deputy wardens and everything else here.

Q. That the warden? A. Yes, sir. The deputy warden here

has got the name of being deputy warden, but he is only an office boy here.

Mr. Hirsh—That is all.

James O'Neill, having been called, testified as follows :

Examined by Mr. Hirsh :

Q. What are you here for? A. Being a fool.

Q. Well, we will concede that, but what was the charge against you; that is not a criminal offense. We would all be here, perhaps, some of us, if that was a criminal offense. What are you here for? A. I was charged with burglary in the second degree, grand larceny in the second degree.

Q. Come from Brooklyn? A. I come from Brooklyn.

Q. You are about to go out, I see? A. I ought to have went out the last day of August.

Q. Lost your time? A. Lost two months.

Q. When were you sentenced here? A. First day of March, 1889.

Q. For how many years? A. Ten years. Six years, seven months and eight days to-day.

Q. How old are you? A. Twenty-four years the 10th of September just past.

Q. What was your business before you were sentenced? A. Compositor.

Q. Brooklyn or New York? A. Any place I could get a position.

Q. Have you any complaint to make with reference to the institution? A. Plenty.

Q. State them? A. Well, in the first place, the task; it is illegal; the Fassett bill abolished it.

Q. Will you kindly state the facts and let the committee judge the law? A. Well, they put a task on you.

Q. I know that? A. Well, I say it is illegal. What business they got to put a task on you?

Q. I want to know what you complain about, and the legality of

it will be judged by the committee. I want your complaint as to what the facts are? A. Well, they put a task on you.

Q. Yes, a task that you can't do? A. Can't do it in the time they give you.

Q. What shop are you in? A. Tailor shop.

Q. Making pants? A. Making pants; I got something to say about that, too; it is a contract to make overalls, and they make pants worth \$5 there.

Q. Have you ever seen the contract? A. I have saw the statement in the paper.

Q. Have you ever seen the contract? A. No, sir.

Q. If the contract called for making trousers and not overalls; the statement in the papers might not be correct; that would be so, wouldn't it, Mr. O'Neill? A. Well, Warden Hayes made the statement in the paper himself; I am taking him up on his own words.

Q. Now, what else have you to complain about, besides? A. The food.

Q. The food is poor? A. The food is poor.

Q. Not enough of it? A. Not enough of it, and what there is of it ain't well cooked.

Q. That has been the general complaint here? A. There is maggots in the meat, too—has been.

Q. In the summer time? A. In the summer time, and still it smells bad.

Q. Does that happen often? A. Happens nearly all the time, except the maggots—as far as smell goes and as far as the cooking goes.

Q. The cooks are largely convicts, or entirely so? A. Well, the worst kind of convicts—come here for 30 days, 60 days, and leave here; they have got no short time to lose, and cook as they please, and the quicker they do it the more time they have to loaf—not only that, but they will sell the food, what is supposed to be put in there, for tobacco, because the county don't give them tobacco.

Q. You never saw them selling it? A. I did see them selling it.

Q. Who did you see sell food? A. The man in the cook shop.

Q. And who did they sell it to? A. The tierman—not only do they do that, but they make pachina, as they call it, from potatoes in the cook house, and sold it to the tiermen, and I saw the tiermen drunk—they were not drunk, but they staggered; they had so much liquor in them they couldn't keep their tongue to themselves, went around like crazy men on the tier.

Q. How much did you weigh when you came here? A. I weighed 165 pound. I weigh 137 pounds now.

Q. And you have been here over six years? A. I have been here six years, seven months and eight days to-day.

Q. Is there any other complaint besides the food and what you have stated. A. Yes, clubbing.

Q. Have you ever been clubbed? A. No, sir. I have not been clubbed.

Q. Seen men clubbed? A. I have seen men clubbed.

Q. Do you know what they were clubbed for? A. They were a good many things they were clubbed for, talking back to a keeper; but that ain't the worst of the clubbing, they club you when you have your back turned, and they won't club you till they are up to another keeper to get assistance, and then they club you. If you were to hit a keeper it would be different.

Q. Now, is there anything else, Mr. O'Neill? A. I have got something to say about them clubbing a man by the name of Boston, and about the keeper perjuring himself before the committee down town.

Q. What keeper was that? A. Mr. Cooper.

Q. Yes? A. That man, I was looking at him. I worked in another shop. I was about 30 feet away from. The man took his coat off a peg and put his arms into it. He had his two arms in it—in the sleeves of his coat, with his back turned to the keeper. The keeper hauled off and hit him over the head, and the blood spurted

out in the air and all over his face. Then another keeper by the name — that is in the shop with him, I don't know his name just at present — he took him over. Well, the facts I seen in the newspaper — I ain't supposed to read them, I read this though — he said that he took them over, Keeper Cooper said he took him over for trying to stab him with a pair of scissors. Well, I didn't see no scissors used on Mr. Cooper, but I see the keeper, Mr. Harrington, fetch that man over and lock him up.

Q. That happened when, what year? A. That happened this year, not many months ago either, three or four months ago.

Q. Is that man here that was clubbed? A. That man is here yet.

Q. What is his name? A. His name is Austin. I don't know his first name. Never spoke to him.

Q. What shop is he in? A. He is in the waist shop.

Q. Did you ever get close enough to Austin to see any scar on his head? A. No, sir. I can see the blood on the floor, though, in the shop, or anybody else that looks for it.

Q. Did you ever hear of any other clubbing? A. I saw plenty of it.

Q. Happen frequently? A. I can't say who they are or who they were, it is so long ago. I got something to say else about that Mr. Cooper. There is a man here by the name of Williams, a colored man, doing six and a half years, I believe. He was put on a task. He tried to do the task and made bad work, and the instructor reported him. Mr. Cooper goes down and commences at that colored man, and commenced to curse him. If you want the cursing I will give it to you.

Q. Oh, we will take your word for it. A. He commenced to curse, and commenced every thing from "damn it" and "damn his soul" down to a "bastard." He told him he would "knock his God damed brains out with a club." The colored fellow says, "I won't let you." He says, "you get your hat and coat and stand un-

der the stairs at 12 o'clock." Well, he put him in the cooler for about five days. I can't say exactly, but it was about five days from the time he was out of the shop, just for simply that.

Q. When did that happen? A. That happened 1893, about July or August.

Q. Is there anything else? A. I get a little bit rattled. I have got to look for myself (refers to memorandum). The cooler. I don't know what Warden Hayes says about the cooler. Padded cell—he told you crazy men were put in that padded cell. Well, there was a negro took out of here about two weeks ago. He is a United States prisoner. He was only a lad about 19 years of age. Well, that fellow laid down there 24 days in that cooler. He was in one week before he had a blanket to lay on, and in that 24 days all he had was three cans of soup. He threw one pan of soup out. And the rest was, three times bread and water a day, one ration, three rations I mean, one each meal. Not only that, but he was injected with morphine in both arms, and in liquid to drink. He didn't put him in the padded cell at all. There was another man that was an Italian—

Q. What became of this man? A. He is gone to the United States Insane Asylum at Washington. Another man, an Italian, his name was Joe. Muffi, I think was his last name. That fellow was in the cooler two weeks. He was a lunatic, too. He is gone to the asylum at Washington. He was never in the padded cell. There is two men now that was in the padded cell, right in the prison. One's name is Hale. He is a cripple in hands and feet. He isn't a lunatic. They put him in for a week. Another man, I don't know what his name is, in No. 1 cell in the short term prison, on this side. He was in the padded cell a couple of days. He is out now. Nothing the matter with him. He is not a lunatic. But lunatics that were lunatics he put in the cooler. Another man used to do coopering here. He went cutting up about this prison and they would punch the head off him with

clubs. Who the keepers were I don't know. That fellow was down in the cooler for a week. He went over to Flatbush.

Q. Were you ever in the cooler? A. I was in the cooler. Not them coolers, though.

Q. Which one, in the dungeon? A. Over in the long term side. The dungeon is closed up.

Q. How long were you there? A. I was in from Monday till Saturday night. That was in the latter part of March, 1889, for bad work. I know what it feels like, too.

Q. That was before Warden Hayes got here? A. That was before Warden Hayes came here.

Q. What else have you on your memorandum, Mr. O'Neil? A. Well, here is a piece of law. I believe the law states there is 10 per cent. of the net profits is to go to the convicts. I believe that is included in the Fassett Bill. Now, I go out of here, I get about \$21 for being here six years and a half, six years and eight months altogether, counting the short time. I get \$21. They allowed me nine cents a day for food, or for to keep me here. I got about four cents worth of food. I will swear to that, on account of what Warden Green used to feed me out of eight cents. Then I couldn't eat half of it, I had to throw it away. I am looking out for my own interest as well as trying to make it better here for convicts that will come after me.

Q. You say you are a compositor? A. Yes, sir.

Q. Are you a member of any labor organization? A. No, sir.

Q. Or any compositors' union? A. No, sir.

Q. Is there anything else that you want— A. Short time; there is false charges made against men—want the proof of it?

Q. Yes? A. There was a man went out of here by the name of Brothington; the task was put on him—he couldn't do the task; he lost one month short time; the charge against him was refusing to work; the witness to prove it is the lady instructor in the shop—they wanted to know what he lost his short time for; they said

there was a charge of refusing to work against him—Well, they said, “You never refused to work;” that ain’t the only thing—I lose two months; another man was named Doherty, was locked up six times for fighting, didn’t lose anything; Warden Patrick Hayes’ daughter is earning some money from him.

Q. You claim that there is favoritism here? A. Sure.

Q. Now, is there anything else that you want— A. Doctor can’t do his duty. He is interfered with; I have been in that hall. I have seen Warden Hayes come in when the men are standing in line to see the doctor, and charge him with the crime of onanism. He don’t know what that means. He calls it self-abuse, in plain English. He will come over to you—“What do you want?” “Well, I have got a pain.” “Well, I have a pain every night before I go to bed. I don’t take any medicine. If you come over here next time, I will lock you up and take some of your short time.” There is men here, the doctor can’t do nothing for them. He will tell them so. He says, “You don’t get fed properly. I am only throwing medicine away on you.” Men die in their cells like a dog in the gutter. Nobody to speak a word to them when they are dying on their cots. I remember one man, I don’t know his name, when Warden Hayes first came here. He was in No. 1 cell, on the long-term side—on the south side of the prison. He died. When they went to wake him up at dinner time to get his dinner they found him dead.

Q. Named Donnollon, do you know? A. I couldn’t swear to that, what his name was. I remember seeing them take him out and put him in a box in the hall, and off he went.

Q. Do you know what he died of? A. No, sir—that ain’t the only fellow. A fellow by the name of Owen Donnollon, I think his name was—

Q. Owen Donnollon? A. Well, he died of hemorrhage. Doctor Schenck was here then. It was nothing then to die in a cell or anything else. That man was in a cell two weeks to my knowledge,

going down to Doctor Schenck. Wound up about 4 o'clock. Well, I saw them coming out of his cell one morning when I went down to wash. He was dead; hemorrhage. There was another man by the name of Sam Bennet. He was a Jew. That fellow had dropsy. He belonged to an organization of some kind, charity or lodge. Well, that fellow died of dropsy. They took him out of his cell in blanket and took him across the yard to the old hospital. When they got in there and opened the blanket he was dead. Another man by the name of Neli. He died of heart disease, an Italian. Well, that fellow he hollered out in the night time, "My God, I'm dying." I heard him, I was in the tier underneath him, right near to the coolers. The keepers come up and took him out, and said he was a fakir. That means he was shamming. The doctor gave him that name himself. They took him down in front of the cooler, and the man was dying; and they saw him there, and one of the keepers remarked about his face being white and frothing at the mouth. They took him out, and before they got him in the hospital he was dead.

Q. Did you ever hear of any man having the hose played on him?

A. I did, Wilson. I saw it, too. That man was sick. His name was John Wilson, I believe. He was sick. He wanted to lay in and they wouldn't let him. It was really the break up of the Bay State, I believe, in July, September or August, I can't say which, it was so long ago.

Q. In 1890? A. No, it wasn't '90. It was '89 the Bay State broke up. In 1889 the Fassett bill went into effect, '89, and the new shops commenced to work in '90. They put a log on his foot. It wasn't a log it was a railroad tie, pretty near as big as one, about three feet two inches, between three feet and three and a half feet. That was about six inches in thickness, and about a foot of chain, with a shackle on his leg, and a staple drove in the log of wood. It was down by the stone shed. The stone shed used to be down near the last tower, paint shop behind it and blacksmith underneath that.

There was a lightning rod there. He got over there. They played the hose on him. The first hose they played on him busted on account of the force of the water. It was a fire hose. Before he grabbed the lightning rod he put a handkerchief in his mouth. Every time he would stick his head down and cover it with his hands the keeper would play on the sand and the sand all got up in his face. Afterwards I saw that handkerchief; I saw a place where he bit a piece clean out of it. Then he grabbed the lightning rod, and as soon as he put one hand up and held it up that way, they would put the hose up underneath and play it under. That is Mr. James. You can call him in and I will tell him so. They played on that fellow about six times. Gave him a rest of about ten minutes, then they put him in the cooler.

Q. In the condition that he was in then? A. In the condition he was in.

Q. Is that the only man that the hose was played on? A. That is the only man that I saw; I am talking about what I see.

Q. That was in Warden Hayes' time? A. That was in Warden Hayes' time, in 1889, September, I believe.

Q. Warden Hayes didn't come here until 1890? A. Warden Hayes come here in 1889. Well, I say so. Warden Green went out of here July, 1889, and I came here March the first. It doesn't matter what Warden Hayes tells you, or anybody else, I know when Warden Hayes come here. Call him in here and I will tell him so. Eighteen hundred and eighty-nine Warden Hayes came here; and more, if you get a clipping of the World newspaper you will see the statement that Warden Hayes made in the latter part of September, 1889, that this prison was made a State's prison in 1878. The man doing from one to three years for a felony got \$5 and a suit of clothes valued at \$15 in the summer time, \$18 in the winter, and a man that done over three years didn't get nothing; and he wanted to give them two cents, the men over three years, so as to get out of giving them ten per cent. of the net profits. He is very generous, Mr. Hayes is, when you know him.

Q. Did you ever see any of the commissioners of charities here at all? A. I made a complaint to Commissioner Burtiss myself, in June, this year. I made a charge against Warden Hayes, two charges, for putting a task on the men. I wrote Warden Hayes first off, went in to Warden Hayes and asked him to take me off the machine because it gave me palpitation of the heart. He told me he wouldn't. I went to the doctor. I asked him to give me something to do or give me a change of work to stand up. He says: "If you stand up it will hurt your heart." He says: "I will give you something to stop it." I didn't doubt him at all. He wouldn't change me. I says to the keeper—Mr. Smith was keeper in the long term, then; he is dead—I want to write a letter to the warden. Well, I wrote the letter. I put down: "Warden Hays, dear sir—You will please be kind enough to hand my name to the foreman in the next grand jury when it arrives here, as I want to make a general complaint against this place." And I signed it: "Yours truly and respectfully, James O'Neill." That was on the 9th of May. It was Monday, about 9 o'clock in the morning. On Wednesday, at 12 o'clock, the grand jury was here. Warden Hays wasn't here, though. Sunday I went to see him; that was on the 15th or 16th. I asked if he got my letter. He said he did. I asked him if he was going to let me see the grand jury. He said yes, next time they came here, if he was here. I says: "If you ain't here, let the deputy warden let me see them." "Oh," he says, "I don't let the deputy warden do anything like that. I attend to that kind of business." Well, I never saw the grand jury.

Q. No difficulty about your being able to make complaints, was there, Mr. O'Neill? A. Complaints to who?

Q. To anybody? A. Well, who is that anybody?

Q. Well, you could see the warden any Sunday? A. I could see the warden any Sunday, but what was the good?

Q. I am not speaking of the good of it. I am asking you whether you could make complaints. A. Yes.

Q. You say you made complaint to Commissioner Burtiss? A. Commissioner Burtiss.

Q. What became of it? A. I don't know.

Q. What complaint did you make to Commissioner Burtiss? A. Only just what I am telling you about—writing to Warden Hayes.

Q. That you didn't have the opportunity of seeing the grand jury? A. That I didn't have it, and about putting a task on the men and about refusing to let things in here, such as oilcloth or carpet or oilcloth for a table. Well, I had an oilcloth sent here. I wrote for it. They are supposed to read the letter. I wrote for the oilcloth; mentioned it in the letter. The directions and dimensions of the oilcloth was misplaced. They wrote me a letter asking for the dimensions again. I wrote back and told them. Well, the oilcloth came from Cowperthwaite's. They wouldn't let it in. But there was a rug sent here from McNulty & Strauss, I believe a democratic man, and friends of Mr. Hayes. The rug was let in, didn't stop that. The oilcloth wasn't let in for the table. I told Mr. Burtiss about that, and he says, "You will have it." I got it.

Q. So your complaint did some good in that direction? A. It done good. It opened the prison to carpets or anything else, but I suffered for it. I have lost two months on account of it, for going to the commissioner.

Q. How do you know? A. Because I know every man that went to him has lost time. There is another man in there lost three months by going to him. The men don't go near the commissioners making any complaints. They go right out, that is, if he thinks he is free to let them out, if they won't say anything.

Q. Do you know of any prisoners besides yourself who have lost time because they made complaints to the commissioners. A. Yes, sir.

Q. Who? A. Mr. Evans claimed he lost it on account of it.

Q. Anybody else? A. Them is the only two I ever know went near him.

Q. What shop do you say James is in? A. Keeper?

Q. Yes? A. He is in the yard.

Q. Is there anything else that you know about, Mr. O'Neill?

A. The mail comes here every day.

Q. And isn't given to you until Saturday night? A. Saturday night.

Q. We have been told that? A. Sometimes you don't get it for two weeks. I have papers mailed here, "Pucks" and "Judges." I miss them. I told the party that sent them to me to write the date on the inside when they mailed them. They done it. I got the paper two weeks afterwards.

Q. Now, is there anything else? A. Well, from what I hear from the keeper himself, the men in the bag shop get 42 cents a day paid for them, that is contracted labor, that was done away with. The men in the brush shop got 43 cents a day for them. Warden Hayes knows that as well as I do. That was stopped, the contracted labor.

Q. What shop is that in, mail bag shop? A. The mail bag shop. They pay 42 cents a day for a man; 43 cents in the brush shop.

Q. Now, is there anything else? A. Smith, a colored man. Mr. Walker in the pants shop had that colored man taken out of that shop and fetched over here before Doctor Schenck to have him examined and see if he was all right in his mind. He told him the actions he was going through in the shop. He said there was devils in his machine. He worked the pressing machine. The doctor looked at him and examined him. He told him the man was crazy. That aint to say he was wild crazy, but he was crazy, he wasn't right in his head. He was taken out of that shop and left in the cell. While there he was put in the bag shop on the sewing machine. He said there was gun powder in the sewing machine; they was trying to blow him up and they wouldn't do it. The keeper, Mr. O'Neill, got cursing him. The colored man took his club and broke it over Dowd's head. The ambulance come and they sewed Dowd's head; and he went home. The colored man was taken in the prison.

The tierman sent him out of the prison on a great big roller to roll the yard and pretty near killed him. That didn't do.

Q. How did they nearly kill him? A. Clubbed him.

Q. When was this, Mr. O'Neill? A. I guess that must have been about two years and a half ago. That fellow is dead now, died in Matteawan. I used to hear that man praying and hollering, and sometimes wouldn't eat anything for a week. They had him chained by the feet and had him handcuffed in one of the blind cells, or what they call them, short bars, on the long term prison. When they knowed he was a real maniac they took him out there where that new engine is to break stone. There was a keeper on each side of him and one behind, and he wouldn't work, and they started clubbing him, and he took up his hammer and broke another keeper's head by the name of Wilson.

Q. What did they do to him then? A. Why, they sent him to Matteawan. What could they do with him?

Q. Did you know Firman? A. I knowed Firman.

Q. Do you know how long he was kept in the dark cell? A. He was not in the dark—over there I think he was kept one night, and he came paralyzed with the cold. Then they put him in the dungeon; I believe, for 17 days.

Q. He was the negro that escaped? A. Yes, sir. When he escaped Warden Hayes took all the boards off the floor. They let the men have a plank then. He took their looking-glasses away from them, too, on account of him escaping.

Q. Is there anything else that you know of? A. A man by the name of Mullens was in the cooler 11 days one time and seven days another. He couldn't see, or the committee here, because he has his food fetched to him. There is a lot more men in there in the same way. From what I hear they want to see you.

Q. They are in their cells now? A. They are in their cells now.

Q. And can't see? A. Can't see.

Q. What from? A. Because they can't. You'll have to go around and see them yourself, or ask for them; send down on the

bottom floor and ask for them. They want to see you. They didn't go over for their dinner. Their dinner is fetched to them.

Q. Why is it fetched to them? A. Because they are cripples.

Q. Can't they walk out of their cells? A. Some is on crutches, some paralyzed in one hand, some on two crutches.

Q. Can you name any of them? A. The cripples?

By Mr. Whittet:

Q. What is the man's name you just gave? A. Mullens is one of the names.

By Mr. Hirsh:

Q. What is the cause of his being crippled? A. That is more than I can say.

Q. Was it caused by being in the cooler? A. I couldn't tell you.

Q. Was he a cripple before he went into the cooler? A. I couldn't tell you.

Q. Do you know anything about it? A. About being in the cooler?

Q. That he was a cripple before he went in? A. No, sir.

Q. Do you know why he was put there? A. No, sir; although I know he was there. I hear Warden Hayes say they were only kept there a couple of days or a day or so. I know they are kept there more.

Q. The warden testified that no man is kept in the cooler longer than six days? A. Well, I know better.

Q. Have you been in the cooler more than once? A. I have been in the cooler four or five times. The highest I was kept was from Monday to Saturday night.

Q. And all on account of failure to do your task? A. Twice for bad work in the Bay State; once for impertinence to a keeper; once for loud talking on the tier, and once for telling an instructor I would punch him in the eye.

Q. Is there anything else, Mr. O'Niell? A. Well, this is something out of the usual, what I have got to say now. When Warden Hayes came here there used to be some big wooden green gates with big iron bolts in them, down at the end of the yard, where horses come up. There was nothing the matter with them. They were taken off. There is iron ones up now. They were hanging down on the corner of Flushing and Nostrand avenue. Whether he has sold them or not, I don't know. Who got the money, I don't know. There is a bath house, bath tank. I see a statement in the paper, when I can buy that I have it—he charged something like \$3,000 for it. The tank was raised by convicts. It was filled in, the well, with ashes, and then it was filled in with broken stone; all done here, that work, by convicts.

Q. And then cemented over? A. Then cemented. It cost about three barrels of cement to do it. The paint had been paid for and the wood had been paid for. The only thing I can see where he could have charged that price was the strengthening at the top, them bars, the iron in the middle, a piece of sheet iron. That used to be a gas tank. The retorts went out of here. I never saw anything mentioned about them, whether they were sold or not. There was an engine in that gas house, too. That has gone away. Never heard anything about that.

Q. Do you know whether the water flows in and out of that gas tank that is used as a bath house now? A. That is more than I can say. I never was there when it was empty.

Q. Couldn't you tell whether there was fresh water flowing in and the old water flowing out? A. It is too dirty to tell. It looks rather amber.

Q. Then by the looks of the water you would judge that it does not flow in and out? A. I wouldn't judge it at all for I can't swear to it. I will swear the water is dirty; it is yellow. That might be caused by the sand coming from the large pipe.

Q. How many men go into the tank at a time? A. As high as 24.

Q. All conditions of men? A. Well, all kinds of diseases, too. No, they stopped that. The negroes and the Indians, they have a bath by themselves. The white men have theirs. But all kinds of diseases go in there, though.

Q. The men are not examined before they go into the bath? A. They are not even examined when they come here to see if they are fit to work or not.

Q. Is there anything else? A. That screen. I don't know whether that is allowed in a prison or not.

Q. The wire screen on visiting days? A. Yes. Do you know why that was put there? When Warden Hayes came here there happened to be three or four men dropped drunk. Now, in years before, and instead of Warden Green putting up a screen and punishing all the prisoners he took them men and put them in the cooler for 10 days, and took a year from their short time, if they had it to lose. When Warden Hayes came here and heard about it, he put up the screens. Well, since he put up the screens there has been men drunk, too.

Q. That screen is erected on visiting days? A. Yes. Not only that, but it is a filthy thing to have. If I had a sister, or mother, or wife, coming up here—I am speaking to her, there is a fellow beside me. No matter who he is or what condition of society he comes from, he get staring there, cursing and swearing at the fellow in front of him. They have got to take that in, too. Another thing I see. He allows one visitor on a Sunday. There was a man here had his father and mother come to see him; he put them out, and put the man in the cooler for having his father and mother come to see him at the same time.

Q. Then a man is allowed but one visitor? A. One visitor all day while the visiting hour lasts, and that is about 15 minutes. In Warden Green's time you had visitors from 10 o'clock in the morning until 3 p. m., Sunday, and every day from 12 to 1, or quarter to 1.

Q. Now, is there anything else besides that? A. I don't know. I guess that is about all I can say.

Mr. Hirsh—That is all, Mr. O'Neill.

Paris Bodle, having been called, testified as follows:

Examined by Mr. Hirsh:

Q. What are you here for? A. Larceny. Horse stealing.

Q. From the Indian Territory, I take it? A. Yes, sir.

Q. How long have you been here? A. November, 1893, I came here.

Q. When will your term expire? A. In November next year, I suppose.

Q. Eighteen hundred and ninety-six? A. Yes, sir.

Q. Three years you were sentenced for, or more? A. Three years.

Q. Any complaint to make, Bodle? A. Yes, sir.

Q. What is it? A. Well, the food is not sufficient here.

Q. And the quality is bad? A. The quality.

Q. Haven't got enough covering for your bed? A. No, sir.

Q. What else? A. Well, the clothes we wear are not warm enough.

Q. Anything else? A. Yes, the buckets they use in the cells on the short term side of the prison, are not fit to be in the cells, some of them.

Q. Not large enough for two men, the wooden buckets? A. Yes, sir, — they are large enough, but the lining is broke out, and they smell bad.

Q. Is there anything else? A. I was put in the cooler once — was in there five days — and I could hardly walk when I came out.

Q. What were you put there for? A. Fighting.

Q. Fighting with a keeper? A. No.

Q. With another convict? A. Another convict.

Q. Is there anything else? A. That's all.

Q. Why I hurry you, is because all that you have stated we have heard from the others, and I want to give the others that are still waiting an opportunity to be heard? A. Yes, sir. All right.

Richard Johnson, having been called, testified as follows:

Examined by Mr. Hirsh:

Q. Where are you from, Johnson? A. Brooklyn, here.

Q. What are you here for? A. I am up here for attempt at burglary.

Q. For how long were you sentenced? A. One year and ten months.

Q. When did you come here? A. Came in 1894.

Q. Your term has nearly expired? A. To-morrow, would be.

Q. Any complaints to make? A. Yes, sir.

Q. What are they? A. Well, I was locked up, I was punished here, on the 16th of June, 1894, under Keeper Davis, supposed to be a watchman in the shop, under the head watchman of the shop where they cane chairs; and when I was working all I could do in the caning shop, one Saturday afternoon he says to me I had to turn in so many chairs. I told him I couldn't do it, and so he goes to work and locks me up. That is all I said to him, and he takes twenty days off me, and I would like to know how I come to lose twenty days, and just only say to the keeper—and my time is up to-morrow; and I went before the warden twice, and never gave me no decided answer or nothing.

Q. Is that the only complaint that you have to make, Mr. Johnson? A. Well, I have been treated pretty bad since I am here.

Q. In what way? A. About getting food and stuff. Sometimes it is very bad, what we get.

Q. Can't eat it? A. No, sir.

Q. Is there enough of it? A. No, sir, it is not enough; for what you get one day at noon, that is supposed to stay you till the next day, and sometimes you get merely hot water for your breakfast in the morning for coffee, and at night about the same.

Q. Is there anything else besides the food that you have to complain about? A. Nothing else, no more than that I just like to see about the time, see how I could lose twenty days and just only say to the keeper I couldn't do my work.

Q. How long were you in the cooler? A. I was in the cooler two days and a half.

Q. Well, that is a question of prison discipline that we will have to attend to, Mr. Johnson, but we can't give you any answer with reference to that now. We want to know from you men what you have to complain about. You go out to-morrow? A. No, he holds me here for 20 days, and I can't find out why they hold me here for 20 days.

Q. You are probably held here for infraction of the rules? A. According to law, as it was given to me when I first entered here, they say if you do anything against the rules, you only lose 10 days. If you assault a keeper, then that is something else; but if you give sass, and anything like that, it is only 10 days. Now they take 20 days off me, and I went before the warden, and he never give me no decided answer for it — like he didn't want to see me about it — and I don't know where the 20 days is for. That is what I would like to find out.

Q. Is that all that you have to complain about? A. Yes, sir.

William Burgess, having been called, testified as follows:

Examined by Mr. Hirsh:

Q. What are you here for? A. Robbery.

Q. Where do you come from? A. Indian territory.

Q. Highway robbery? A. Yes, sir.

Q. How long were you sentenced for? A. Five years.

Q. How long have you been here? A. A little over 14 months.

Q. Any other complaint to make? A. Well, yes.

Q. State it? A. Well, when you first come here you are put in a cell. In the cell you are given a spoon, when you go in the cell,

and a pillow and a blanket; and there is no broom in the cell. You get no broom in the cell, no wash basin, nor nothing to keep your cell clean. If you haven't got money or friends to give you a broom you live in filth knee deep there. You have got no wash basin, to wash this pillow case. You sleep on it the year round. For breakfast you go down and you get a cup of colored water. They call it coffee. It is beyond my knowledge what it is. It don't taste like coffee—and a slice of bread. For dinner you get some potatoes and some mixed up water and slop and stuff, and a piece of poor beef with the fat taken off it. That is for dinner. For supper you get a cup of tea. You can't drink it unless you have sugar and milk to put in it—and a piece of bread. The bread is all right. You get plenty of bread. You can get four slices of bread a day if you need them. That is what you get to eat. You are sent to the shop to work, to do a task. If you don't do that task you are locked up in the cooler, put on a slice of bread and a cup of water once a day. For underclothes in the winter, you have none. You have no underclothes. You wear a little thin shirt like this all the winter. You pretty near freeze to death. Men take cold, go to see the doctor, get medicine—he will probably give you a little medicine—say, “Next time you come here have something the matter with you or you will get locked up and lose your short time.” You don't get no lamp in your cell, either. If you have no money to buy your lamp and oil, you sit in the dark.

Q. Is there any other complaint. The food and blankets and the underclothing and all that has been stated here by all you men. If you have anything else besides that I want to know it. Otherwise I want to hear from the other men. I want to give them all an opportunity that want it? A. Well, that is about all I can complain of. I want you to understand, though, about the accommodations we have here. If it wasn't for the money that a man gets from his friends, why he would be in a bad condition. He would have to live in filth, as I tell you, knee deep. He wouldn't get a

broom. They don't give you anything like that. He would have to live in filth knee deep all the time. Unless a man has got money here, and take this Parson Bass away from here and his chapel, and this is a regular hell—this is nothing but a hell. There is nothing to elevate a man here at all. When you go out of here you are given a common suit of clothes, a very common suit of clothes, worth about \$3. You have got no overcoat. You are given \$5 in money, and you land to your destination. You are naked you might say. You haven't got a change of clothes. You need one. What you have got to do is, you have got to knock some man down and rob him, and come back to the penitentiary and live your time out—die like a dog in a pen. I have never had an opportunity before to make this publicly. I have been afraid to write to my friends what accommodations I had here. If there is any one here would accommodate me by sending a paper to James H. Gibbs, Brookston, Texas, Lamar county, I think I could get some accommodations—some assistance, and probably live my time out.

By Mr. Bass :

Q. Don't you know that I am ready to write for you? A. No, sir, I didn't know you were ready to write for me, Mr. Bass.

Q. Don't you see the men send up papers to me every Sunday afternoon? A. I see them sending up, yes, but I didn't know that you would—

Q. Don't you see me coming into the shops and talk with the men? A. I saw you, sir, coming into the shops and talking with the men.

Mr. Hirsh—Mr. Bass is always ready to write for you folks here.

Q. Did you come here with the first men? A. No; I come among the third men from Paris, Texas.

Q. I once or twice, in the chapel, made the announcement that I am willing to write for any men, and especially those from a distance? A. Well, even if I knew you would have sent this letter, I wouldn't have written how I was treated here—nothing like that.

Q. All you had to do was to write to me that you wanted to see me. You send a piece of paper up next Sunday afternoon and I will come to see you? A. Thank you, sir.

William Taylor, having been called, testified as follows:

Examined by Mr. Hirsh:

Q. What are you here for? A. Perjury.

Q. Where are you sent from? A. Fort Smith, Arkansas.

Q. How long have you been here? A. Twenty-two months—a little over.

Q. How long were you sentenced for? A. Five years.

Q. Any complaint to make? A. Well, I am doing tolerably well. They don't feed much, don't give clothes such as a man can stand —

Q. The complaints that have been made here, Mr. Taylor, were of the insufficiency of the clothing and the insufficiency of the blanket covering. That is your complaint also? A. Yes, sir; that is my complaint.

Q. Is there anything else? A. I want to complain about now — I need them now, blankets — one little blanket, and it is thin and old and holey.

Q. Is there anything else besides that? A. No, sir; I guess that is about all. Feed a little better and give a little better clothes.

Daniel J. Lohf, having been called, testified as follows:

Examined by Mr. Hirsh:

Q. What are you here for? A. Grand larceny, second.

Q. From Brooklyn? A. I am here from New York. I was taken off Blackwell's Island.

Q. And sent here? A. Yes, sir.

Q. How long have you been here? A. I will be here 19 months—

Q. For how long were you sentenced? A. Two years and 10 months.

Q. Any complaint to make? A. Yes, sir; I have a complaint to make. I would like to see things a little better than what they are here.

Q. As to food? A. Yes. When I come here I weighed 178 pounds. I dropped 41 pounds inside of 11 months here.

Q. Caused by what? A. For the lack of nourishment, that is what it was.

Q. Lack of nourishing food? A. Yes, sir. When I wanted to send home for food that would nourish me they wouldn't allow me to have it; that was cod liver oil, which I was always used to taking. I asked permission of the doctor to leave me have it, and he says, "No, sir; I will give you all you want." When I went to the doctor to get it he refused me to have it.

Q. What doctor did you see? A. Dr. Schenck.

Q. Since then have you seen Dr. Bartlett about the same thing? A. No, sir. I went and asked the druggist. He gave me a small bottle of it; spoonful in it.

Q. What shop do you work in? A. Work in the tailor shop, Mr. Walker's shop.

Q. Is there any other complaint besides the food? A. Well, I come here with underclothes, and here I am now without any underclothes 11 months. They have taken them away, and when I ask for them they say "I don't know anything about it." Other prisons, Blackwell's Island, they furnish you with underclothes over there, without a contract, and give you better grub, better eating and better living over there, without a contract, than they give you here with a contract. There is one thing I would like to know. When there is a complaint that a man does anything, in the shop or wherever he does it, a keeper has got authority to take you away and lock you up without taking you before the warden or the deputy warden without any complaint. That isn't done in any other prison, state prison, Auburn, Clinton, or any other place, without first going before the warden and deputy warden. There the complaint is

made before, and they can't do what they like to you. Now why ain't this prison run on the same plan as them? It is in the same State.

Q. Is there any other thing that you have to complain about?

A. No, sir, that is all I got to complain about.

John Stewart, having been called, testified as follows:

Examined by Mr. Hirsh.

Q. How old are you? A. I am 24.

Q. Where are you from, Indian territory? A. Yes, sir.

Q. What are you here for? A. I am here for grand larceny.

Q. Horse? A. No, cattle.

Q. How long have you been here? A. I have been here 18 months.

Q. And how long were you sentenced for? A. Three years.

Q. Any complaints to make? A. I don't get enough to eat.

Q. All you men have complained about the food, lack of clothing and lack of blankets. Is there anything else that you have to complain about? A. Well, they make us go in this bath over here.

Q. Yes; that has been complained about, too. All of you go in together, 24 together? A. Yes, sir.

Q. The water is dirty? A. Well, the water is sometimes dirty and sometimes it ain't; but it is cold, and you have to go in whether you are sick or not. You go to the doctor, and he will run you back as long as you are able to go, run you back, and you have got to go in the bath whether you are sick or not. I was brought out of the hospital when I had the measles here, and I had to go to the bath right straight along. I would go to the doctor to see about it, and he would tell me to go back, and if I wouldn't go back, why I would get locked up.

Q. Is there anything else? A. Well, that is all I guess that there is any use saying anything about.

Q. Is there anything else that you have to say anything at all about? I want to know it. A. No, nothing.

Q. Is there anything else that you have to complain about? A. Nothing only the grub and the clothing and such as that.

Q. You claim also that the food is bad, and not enough of it. A. Yes, sir, it is bad. A man can live on it as long as it is cool weather, but in hot weather it ain't fit for a dog to eat. That is the way it is. A man can live on it as long as it is cool weather, but in hot weather it is full of flies and full of fly blows.

John Simons, having been called, testified as follows:

Examined by Mr. Hirsh:

Q. What are you here for? A. Counterfeiting and conspiracy, two years.

Q. From Arkansas? A. Yes, sir; Fort Smith.

Q. When were you sentenced? A. Eighth day of December, 1893.

Q. How long were you sentenced for? A. I got three years on the two charges.

Q. Any complaint to make? A. Well, yes, sir. I am not getting any underclothes. I need underclothes.

Q. Let me cut this short if I can, because I want to hear the others. The complaints that have been made here in the main have been the failure to get a proper quantity of food and that the food has not been good that has been furnished, or sufficiently nourishing? A. Yes.

Q. That you don't get any underclothes — A. Don't get no underclothes at all —

Q. And that the blankets are not sufficient? A. No, sir.

Q. Now have you any other complaints besides that to make? A. Well, there is nothing, only that I want to make a complaint about cutting off our hair so short through the winter time whether we are sick or whether we are not sick. When we first come here they would cut our hair during the winter, you know, cut it plum close to the skin with snippers, and there was several of the western

men died off right away, taken cold, taken a bushel of cold, and killed them right away. I haven't had no good health since I have been here on that account.

Q. Now is there anything besides that? A. That is all, I believe.

James O'Brien, having been called, testified as follows :

Examined by Mr. Hirsh :

Q. Where do you come from? A. Brooklyn.

Q. What are you here for? A. Assault and petty larceny.

Q. How long were you sentenced for? A. One year and \$100 fine.

Q. When does your sentence expire? A. My year expires the 15th of next month.

Q. Any complaints to make? A. Yes, sir. I have had two blankets all summer, and coming on winter here they have took them away from me.

Q. Took one away? A. They took two out and aired them one afternoon, and then took it away from me.

Q. Well, you have got one blanket now, haven't you? A. Yes. I have got one blanket now.

Q. Is there anything else? A. Yes, the bread in the morning—

Q. Let me cut this short with you, too. All the men that have been called in have complained about the lack of proper food and the insufficiency of it, the quality of it, and you have no underclothes to wear? A. No, sir.

Q. It is too cold, and that you have not enough blankets. Now, besides that, have you anything else to complain of? A. No, sir.

Mr. Hirsh—That is all.

John Wilson, having been called, testified as follows :

Examined by Mr. Hirsh :

Q. You are from Indian territory? A. Yes, sir.

Q. What are you here for? A. Highway robbery.

Q. Train robbery? A. Yes, sir.

Q. When were you sentenced? A. Eighteen hundred and ninety-three.

Q. For how long? A. Twenty-four years.

Q. How old are you? A. Twenty years old in November.

Q. Any complaints to make? A. Yes, sir.

Q. State them? A. Well, in regard to grub, it is very bad here.

Q. Now, let me say to you, all the men that have been here have said that the meals, the food furnished, is bad, not enough of it, and that you have not sufficient underclothing, and that you have not sufficient blankets; that you say, too, do you? A. Yes, sir.

Q. Now, have you any other complaint besides those? A. Well, there is five or six men out here that come with me, on account of not getting underclothes last winter, it was reported they have a case of consumption.

Q. The climate is too cold, colder than where you are used to? A. The men come here and take their underclothes off and put a little muslin shirt on them and draw them across the yard; cold settle on their lungs.

Q. Now, is there any other complaint you have to make besides that? A. No, sir. They cut a man's hair off here, no matter whether he is sick or well, how cold it is—cut it right off to the skin.

Q. Is there anything else? A. No, sir.

Q. How old are you? A. Twenty years old.

Philip Hart, having been called, testified as follows:

Examined by Mr. Hirsh:

Q. What are you here for? A. Burglary.

Q. From Brooklyn? A. Yes, sir.

Q. How long have you been here? A. Three years next month.

Q. Well for how long were you sentenced? A. Five years.

Q. Any complaints to make? A. Well, when the warden stopped us in the line and asked us if we had any suggestions to make to the committee, I come out more to make suggestions than complaints.

Q. Just state them? A. (Producing memorandum.) I want to say in the first place that I done 16 years in the New Jersey state prison and three years here, so that gives me, that I know something about prison life.

Q. What were you in the Jersey state prison for? A. Charge of murder. In the first place, this place is overcrowded, two in a cell. That is too many for a small cell like that; and two in a cell, one prisoner leads another astray, where they wouldn't think of any such thing. They make partnerships, and when they go outside commit crime. Since I have been here, and in Trenton prison, a good many comes back in pairs that way. And another thing, two in a cell, there is a terrible pile of self-abuse amongst them. That is the great complaint of two being in a cell. And another thing, if one was really religious inclined, or wanted to say prayers or read the Bible, the other really prevents him from doing it.

Q. Makes fun of him? A. More or less that way; yes, sir.

Q. But two being in a cell is company for them, isn't it? A. Well it is company, but bad company, bad company. And the beds we have, it is really a canvas strung on an iron frame. It is just equal to laying on a board; and I suppose other prisoners, the same as I, will tell you how our sides and backs aches, and almost sore with laying on them. There could be improvement there. In Trenton prison we had the same thing, only we were allowed straw mattresses which the state furnished us. And the cells on the second, third and fourth tiers—don't go by the first—you will find in a very dirty and filthy condition. Mustn't go by the first at all. They are show cells, that is all they are, show cells. You want to take it in good; go on the second, third and fourth tiers, then you will see. My cell is in a filthy condition, but it ain't my doing, I can't get any water, and I have got nothing to wash the cell with. In three years I

haven't had any chance to wash that cell. I have been over two years in that one cell. And the tea cups here. The reason I won't take no tea, I see the man's fingers as he dishes the tea out, his fingers sticks right in the tea. That is only a suggestion, no complaint, for improvements and things. Another thing, the buckets here. On the flats they have nice, large, big red buckets to use, and the ones in the other cells are a little mite of a bucket, no higher than that (indicating). Of a Sunday you can't empty it but once, and really can't use it the second time if you want to, because it fills it. That is a thing should be taken notice of, that in particular. Now food. For the last two years I have seen food come in, good meat and potatoes and everything, and it is really spoiled in the cooking. The people that cooks this food is really people that has themselves committed here, or bums anyhow, and no people or nobody over there, they do just as they please with it, eat as much of our food—I suppose we get plenty of meat, but they really must take a good deal of it and we really don't get our regular share of the food. And potatoes; I have seen potatoes peeled and soaked in water twenty-four hours before we get them to eat, so you must know in what condition those potatoes is. If you were here on Friday you would see a great many men don't take the potatoes out of the window when they are fed, and you will find three or four or five buckets throwed out at noon time, can't eat it. It is enough to take it to the cells and look at it, can't eat it, just the same as drinking water. We call it starvation day here Friday, because we have only bread and water, can't eat the potatoes or fish. Now, I wish you would see them two pans in my cell what I got yesterday with my dinner, me and my cell mate, give you an idea how those are. You will be surprised when you see them. They are right under my bed, 45 on second.

Q. What is in them? A. Filth and dirt, completely rusty black, sides and bottom, just fit to throw away and not fit to use for victuals at all.

Q. Is that the way the food was furnished to you? A. That is the way it was furnished.

Q. What is the cell? A. Forty-five on second.

Q. Long term? A. Long term.

By Mr. Whittet:

Q. Do they allow you to keep your pans from one day to another? A. No, they don't, but I kept it on purpose to show to the committee. Of course, when they show you around here they show you the best of everything, same as they show you the cells on the flats.

By Mr. Keenholts:

Q. You claim the cells on the second, third and fourth tiers are not as good as the first? A. I don't claim nothing, I state positive facts. That is a positive fact, that every other cell is filthy and dirty — and careless hallmen. We don't have any chance to clean them. All the prisoners would be willing to do it themselves, but there is only one pail used on the tier, and that is used for gathering up what we can't eat. In the three years I never knew a pail to be furnished to keep ourselves clean except that one pail that is used to gather what food that the prisoners can't eat.

By Mr. Hirsh:

Q. What else? A. All I want to say is this, for Mr. Hayes: I have been in the prison at Trenton, as I say. I was there under, I guess, half a dozen different wardens, and they always have more or less pets. I never know it, without exception. Mr. Hayes is exactly different. A prisoner comes here, no matter whether he is a banker or a political prisoner, no matter what backing he has got outside, he is a prisoner and a convict, and is treated alike; he makes no favorites with nobody, and I think Mr. Hayes is very good on that thing, and then he is very good about allowing undertakers here twice a year.

Eugene Woods, having been called, testified as follows :

Examined by Mr. Hirsh :

Q. Where do you come from? A. Brooklyn.

Q. What are you here for? A. I am here for highway robbery.

Q. How long were you sentenced for? A. Six years and 10 months.

Q. Judge Moore? A. Yes, sir.

Q. Did you plead guilty? A. Yes, sir.

Q. And how long have you got still to serve? A. Eleven months and five days still to serve.

Q. Any complaints to make? A. Well, yes ; in fact I have got a lot of complaints to make.

Q. Go right ahead. A. The first I want to speak to you about, is about the eating.

Q. Well, now, let me tell you, Woods, all the men have complained about the lack of food, lack of sufficient food, and quality and quantity, and cooking, and the clothing and blankets. A. Yes, sir.

Q. Now, is there anything else? A. I want to speak to you about this task business. Now, here last year in Mr. Cooper's shop, they go to work and they lock 30 men up at dinner time ; they leave them men in the "cooler," as they call the solitary cell ; they leave them there without anything to eat. So, 1 o'clock they come and take those 30 men out again, take them to work in the shop again, put them to work on the machine, and want them men to do the same amount of work as they punished them for. The men can't do it.

Q. All that has been testified to. Now, is there anything else?

A. Well, I want to testify to you a little more. I am in the operating on pants business—

(The pans referred to by Witness Hart were here produced.)

Deputy Warden Jones.—There are the pans. We found them hidden away under his cot in the cell.

Witness Hart.—I had them just in my cell to be sent for. He says I had them hidden away. That is against the rules.

Mr. Hirsh (to Mr. Jones).—What do you say about those pans?

Mr. Jones.—I say we found them hidden away under his cot in the cell.

Mr. Hirsh.—Do you mean by saying that, that it is an offense on the part of the man?

Mr. Jones.—No, sir. It is a customary thing for every man to turn his pan out every noon, all the way through.

Mr. Hirsh.—This man placed them under his bed for the purpose of showing them to this committee.

Mr. Jones.—Well, I wasn't aware of that, sir.

Witness Hart.—I thought when you said that, it was a charge against me.

Mr. Jones.—Not at all.

Mr. Hirsh.—Is that the condition of the pans as the food was brought in?

Witness Hart.—That is the way my food was given to me; and there is a man I wish you would ask to see, by the name of Art. He had a worse pan than that yet.

Witness Woods.—I had a worse pan than that, yesterday, on the bottom and on the sides, all of it. I haven't eaten any here in three weeks now.

Mr. Keenholts—Get it from outside?

Witness Woods—I get what I get from my folks. They don't bring me a lot, but I have to get along with that the best way I can. One ration of bread and water I get here in the morning, does me the whole day long.

Mr. Keenholts — Is the bread that you get here pretty good quality? A. It is not; no, sir—it is now, while this committee is here.

Mr. Hirsh—I want you men to know—I said that to the others, and I assume the others will tell it to you if they have the oppor-

tunity—every man that testifies or gives a statement before this committee will be protected in the statement that he makes, from punishment.

Witness Hart—Well, here, to-day noon, where we get this pail out of, in the winter time, when we get this pan there is icicles on it. I call it just a scum, in the winter time. You see, at 10 o'clock they commence to get our dinners ready, and leave it in the window, and by the time we get it is just a scum of ice all over it—it ain't fit to eat in the winter time. In Trenton prison they place the food on a little cart and give it right into the cells to us hot.

Mr. Hirsh—If there is anything done to you men, or any of them, that you find out, either to yourselves or any of the others that have been before this committee, I want you to communicate that fact to Dr. Bass. He will communicate to me, and I will see that the proper thing is done to anybody that causes the punishment. Now, you haven't anything else to say, Hart, have you?

Witness Hart—Only, I told you before, a man by the name of Art took a pan just like one of them and showed it, and got no satisfaction at all, and he would like to see you—Edward Art; and there is a man by the name of James Coin—he wants to corroborate a good deal.

Eugene Woods, being recalled for further examination, testified as follows:

Examined by Mr. Hirsh:

Q. What have you to say? A. Well, I am in this pants business, now. In the summer time they give you 10 hours to do 15 pair of pants for a day's work. Well, now we will say here is short days from the next month, from that out until next May. They only give you six hours to do 12 pair of pants in; and if you can't do that 12 pair of pants you are taken and put in the solitary cell.

Q. We have known all that? A. Well, I suppose you have known about these solitary cells on the short term side?

Q. Yes. A. I have never been in them yet, but I have been in them on this side; and over there they have got to sleep on a bare floor, where they put them in there for forty-eight hours, as they say they are only supposed to do, but they can do what they like with you when there is nobody to protect you. They take you and put you in there, as I have known men in there, for ten days, and I have known men on this side for two days. They discharged a man here the other morning simply because they were afraid to hold him until you people came here. Well, when they put you in over there on that side, and they keep you in there, you ain't got nothing to lie upon, only the bare floor. On this side you had a board to lie down on.

Q. All that we have heard, too? A. I was punished for an offense, just anybody could do it, this man speak to that man, the keeper came along, "Here, you put your hat and coat on—put your hat and coat on," and takes and puts me in the solitary cell and keeps me in there three days for simply talking to that man. Now, gentlemen, none of you here would like that.

Q. The rules of the prison are that you must not talk to anybody, that you understand? A. Well, I was talking through the work, as I told you about this pants business. They broke up this shirt contract and put those men to help, to learn them how to make pants.

Q. We want to hear the other men, and all you have told us we have heard from a dozen. Now, is there anything new; is there anything else you have to complain of besides that? A. I suppose you have heard about the cells?

Q. The filth of the cells? A. Filth of the cells. They want you to clean them and won't give you anything to clean them with.

Q. Is there anything else? A. Nothing else I want to tell you.

Q. Anything you have to tell? A. No, sir; only I want you to hear this Mr. Coin's statements in corroboration of Mr. Taft.

Robert A. Rissent, having been called, testified as follows :

Examined by Mr. Hirsh :

Q. You are here for what? A. Larceny.

Q. You come from Indian Territory? A. Yes, sir.

Q. Horse stealing, is it? A. Yes, sir.

Q. How long have you been here? A. Eighteen months.

Q. What is the amount of your sentence? A. Four years.

Q. Any complaint to make? Let me say this to you—we want to cut this as short as we can and give an opportunity to be heard at the same time. All you people coming from the same section of country have stated their complaints were that the food was bad and insufficient, not nourishing enough, and that they had no under-clothing, and that the blankets are not sufficient to cover you from the cold. Now have you anything in addition to that? A. Yes, sir.

Q. What is it? A. I need medical treatment that I don't get. I have been wounded in the side and I have a testicle obstruction here (indicating abdomen) and what I eat don't pass through, and I can't get anything done for me.

Q. Don't the doctors examine you? A. Yes, sir.

Q. Don't they give you anything for your illness? A. They did a while, but they stopped it. I wore a truss all the time outside, and wore one here with me. I can't get one now; it is wore out. I made a bandage myself in the shop; I wear that, but it bothers me from breathing.

Q. Now, is there any other complaint? A. No, sir, nothing that I know of.

Q. How often do you see the doctor? A. Well, I have been seeing him any time I wanted to, but I have got such a ripping up here lately that I am almost afraid to go and see him.

Q. Why? A. I don't know why; I reckon he thinks, may be there is nothing the matter with me.

Q. Is it the young doctor that you speak of? A. Yes, sir.

Q. Have you ever seen the old doctor? A. Yes, I have seen him a time or two.

Q. And he doesn't do anything for you either? A. Yes, he prescribes for me, but I can't get the medicine that he prescribes.

Q. Why? A. Well, I don't know why. I go over to see the young doctor, and he told me, "now," he says, "there is no use for you to come over here to see me. I know what medicine you need, and just send your bottles, and I will send you the medicine." Well I have done that, and he has kept my bottles, and I don't get any. I saw him yesterday, and asked him about it, and he never gave me any medicine. I went since Wednesday till yesterday evening without having an action at all, and I have been sick. I have taken three tea cups full of salts, and it never moved my bowels, and I went to him yesterday evening, and told him about it, and he gave me five compound cathartic pills. That was all he done for me. I asked him about the other medicine. He said he would tend to that. That is all the answer he gave me.

Q. Is there anything else you have to complain about? A. No, sir. I am willing for anybody to examine me to see whether they think that I need anything done for me or not. There is a man on the flats down here, he is paralyzed, and he asked me to tell you that he wanted to see you.

Q. What is his name? A. His name is Jim Abell. He is in 15 on the flats.

By Mr. Keenholts:

Q. Long term? A. Yes, sir.

By Mr. Hirsh:

Q. What is the matter with him? A. I don't know, sir.

James J. Coin, having been called, testified as follows:

Examined by Mr. Hirsh:

Q. What are you here for? A. Grand larceny, second degree.

Q. Come from Brooklyn? A. Yes, sir.

Q. Where did you live? A. When I was arrested?

Q. Yes. A. One hundred and fourteen Sandford street, Brooklyn.

Q. How long were you sentenced for? A. Three years, nine months.

Q. When does your term expire? A. Next April, providing I lose no time.

Q. How old are you? A. Twenty-five next December.

Q. Ever been in prison before? A. Yes, sir.

Q. Any complaints to make? A. Yes, sir, a few.

Q. State them? A. Well, one part, I have been in the hospital here, when Dr. Taft had charge there—all his time I was there, the time that two men died there, and seen the way the men was treated; 10 and 12 quarts of milk ordered a day, five or six come over there, and they didn't get half of the five or six that came in there—it was drank by the druggist. He is dead, now. He used part of it, and the rest of it was used by the nurses—men that were nurses and healthy and able to work; that milk was used by the nurses. I was for three months and a half in the hospital.

Q. Sufferring from what? A. Epileptic fits.

Q. Epileptic fits? A. Yes—subject to them.

Q. What did those two men die of? A. I don't exactly know what they died of. One was given his medicine at night, and next morning he was dead.

Q. While you were there? A. Yes, sir.

Q. Do you see the doctor often? A. Not very often. I don't go to him only when I feel those fits coming on. I go to him and get some medicine off him.

Q. Is there any other complaint that you have to make? A. Yes. For tiermen in the long-term prison—I have charge of the second tier in there, and before you come around, before they expected you here, the cells was in very bad condition, and when they expected you here they had us tiermen doing nothing continu-

ally every day but going around where there was a little bedbug mark, sandpapering off the wall and whitewashing around continually, twice a week—Tuesday and Saturday—and come in and warned them that they had to be clean and the tiermen had to do it. We had either to do it or be locked up for it, and had no help whatever for to do it. Warden Hayes, when he brought you around there dinner hour, he said it was the tiermen's duty to report to the hall keeper and they would see that the cells were kept clean. It was no such a thing. If a man's cell was dirty on the tier it was the tierman's place to clean it — that is what they claim. But the tiermen can't attend to the cells and keep the tier clean besides. There is enough work for three men if they want to keep the cells clean. Another thing, the cots on the flats are all mostly new. On the second tier it is about the same. On the third and fourth they are not fit to lie on. Where they are fast to the iron, with the rope for pulling them in, if you just open the cots out, you will find nests of bugs in there. The men can't sleep at night upon them at all. The bugs come out at night and walk up the wall. Here only last week there was a man locked up for just killing a bug on the wall.

Q. Leaving a mark? A. Yes, leaving a mark. He was sent over from the shop and put in the cooler for it.

Q. That is, you say, on the third and fourth tiers? A. Yes, sir.

Q. Is there anything else? A. Nothing only them pans that we have to eat out of. There is a man on my tier kept two of them in yesterday. I knew he kept them in.

Q. What was his name? A. Philip Hart. He told me he was going to keep them in. So the deputy warden just spoke to me about it. He says: "I see you don't tend to your business. You were told to take all the pans out of the cells. You are supposed to go along and search a man's cell for them." "Well," says I, "the men keep them in for to cook their oatmeal next morning, as they have nothing else to cook in, and they kept them in for that purpose," and I didn't take them away. But if you are found that

way, and not take the pans away, and they know it, they will lock you up for it. Just spoke to me outside, and told me that I don't tend to my tier, that I leave the men have pans in there.

Q. If you should be punished, or anything done to you, by reason of testifying here, I want you immediately to communicate with Dr. Bass, the chaplain, he will notify us. A. Here about two weeks ago — there is a night watchman here by the name of Flynn. I knew him outside, and always went in to his store. One morning, kind of dark he ordered me to put out the gas-light. But before I went to put them out too early, and Mr. Cooper hollered at me. When he ordered me to put out the lights, I leaned over to put out the first, and Mr. Cooper looked up at me. I says, "Will I put them out?" Cooper said, "no." I didn't put them out; and night watchman Flynn come up on the pier with a stick; he says: "You stinken son of a bitch get off this tier, or I will break your head," and took me over into the cooler. The doctor took me out the next morning. He done it for spite, because the night before I happened to feel sick and wanted medicine from the doctor. The doctor that tends to you was off that night; and over there they are pretty saucy because it is kind of a political position they think here. We get all that. And I asked him for some bromide, same as I have been getting this last eight years. He wanted to give me something else, and I wouldn't take it, and he went and reported that to the keeper, and the keeper told me I would get nothing; and for mere spite the keeper laid for me next morning and told me to put out the lights. One keeper told me to put them out, and the other said not to, and the other one took and locked me up for it. I went to see the warden about it and the warden told me all I would have to do was to do as the keepers told me. Well if I put them out for that man, and after the other telling me not to, I would have been locked up any how. There is no reason in that.

Q. Is there anything else? A. No, sir; only when I was in the

bag shop ; I was working in the bag shop on what they call mattress covers, for the United States navy, and they were trying to get a task out of the men that was impossible. I was in the shop 18 months, and I was considered the best machine man in there. I could do my task in the morning, get done half past 10 or 11 o'clock, what another man couldn't do between 3 and 4 o'clock, and five, and some couldn't do it all, until they got these mattress covers to make. When they got those mattress covers they claimed girls could make them outside for three cents apiece and make money. They wanted us to turn out 30 a day. I couldn't. I had weak eyes. But I done the most, more than any one. I don't know whether the instructor came to me through the warden or who it was, but the warden was the one that wanted the task ; but the instructor come to me and offered to pay me to try and do 30. I told him I would do as many as I could. Paid me one day 50 cents for turning out 20. Next day I turned out 25 and I was paid \$1. I was paid the \$1, that is, if I would swear I done 30 and could do more if my eyes was better. I wouldn't swear that I could do it, but I got the \$1 for it.

Q. Who was the instructor ? A. His name is Joe Arenhoff.

Q. Is he still there ? A. Yes, he is there yet. He paid me the \$1 to try and do 30 of them, and I couldn't do 30 ; and he told the warden himself that if my eyesight was good I could do over 30 and they tried to make the men do 30, and when they seen they couldn't get enough out of the men and couldn't make it pay, they sent the work away altogether.

Q. Is there anything else ? A. I don't think there is.

By Mr. Whittet :

Q. Do you know when your disease is coming on every time ?

A. Yes, sir.

Q. You never hurt yourself ? A. Oh, yes, often. I broke my arm several times. Dr. Bass was here at the time. The keepers wouldn't be bothered, in the hospital, I suppose, taking a hand for

to hold me — prevent me from hurting myself, and they ordered me tied to the bed ; and the doctor raised a rumpus about it when he come and heard about it. I was tied two or three nights, hands and feet, tied fast. The doctor said I was liable to burst a blood vessel and hurt myself.

Q. Ever fall out of your bunk? A. I have, several times ; I sleep on the lower one. I can mostly tell when they are coming on, and always keep bromide in the cell with me ; I have been taking it for eight years.

John Cooney, having been called, testified as follows :

Examined by Mr. Hirsh :

Q. You are about to leave here, are you? A. Yes ; I have got a few more days.

Q. How long have you been here? A. I have been here a little over four years, and a few months.

Q. Where do you come from? A. Kings county, here, Greenpoint.

Q. What for? A. Sentenced on a charge of manslaughter.

Q. Any complaints to make? A. Yes, sir.

Q. State them? A. I was sent here in July, 1891 ; I have only got one leg ; when I came here I had a crutch ; I was on a crutch here for close on three years ; I have been wearing an artificial limb here the last year back ; I was consigned to the hardest task shop there was in the institution, sewing in the rings in the mail bags ; I had to hold the bags between both legs, and the right leg being short, cut off near the knee, I used to have to put my strength in the leg to hold the strain as I would draw the cord in the ring ; the strain generally used to hit me across the kidneys, here ; I worked for two years on that job, and my kidneys got weak, I couldn't hold my water ; I came over and consulted Dr. Schenck ; the man laughed at me, didn't prescribe nothing for me, gave me a few bromide powders ; I went in and seen Warden Hayes, explained to him, and he told me it was too bad about me ; I asked for another job ; he put me on a machine that I had

to get seven feet away with a crutch under my arm and get back ; in the bag shop I had to get up from the machine with a crutch in under my arm and a big wooden block in the other hand and run the seam on the bag and get back ; and was asked to do a task ; the work, it was an impossible job for a man on one leg to do ; the instructor in the bag shop will verify that statement ; he told the warden that a man on one leg couldn't do the work ; I had my dinner stopped and was ordered to be locked up by the warden, but the keeper refused to lock me up ; I was there about four days ; couldn't get along ; I was transferred then to the tailor shop ; I was compelled to do a task in the tailor shop, the same as every other man ; I was put sewing the curtains on the pants ; five dozen pair was the best day's work was done ; I was very nervous and weak, pretty well shook up from confinement, and I done 50 pair, and Deputy Warden Jones, that was keeper at the time, he come and abused me day after day, with a book in his hand, and called me names ; and I done the best I could ; I was let down with 50 pair ; I worked there for about 13 months ; the tailor shop closed down and all the men that was in the tailor shop in 1893 was laid in ; and the day after it was closed down I was taken out of the prison and sent back to the bag shop and compelled to do a task of 30 bags, sewing in the rings ; I was weak and nervous at the time and I done about 22 bags, all I was able to do, and Warden Hayes ordered me to be locked up ; I was taken over and locked up for three days ; I was hit, while I was locked up, on the right side with a shock, and I have been getting hit off and on ever since ; I don't know whether it is a nervous trouble or epileptic trouble, or what it is.

Q. Who hit you ? A. It is a shock—it struck right over the right side ; I went time and time again to Dr. Schenck and explained about the shock ; the man gave me off and on a bromide powder, that was all the medicine I ever received ; when I came here on a crutch I never was showed any sympathy ; I had to get in and get my meals with one hand ; I had to carry out my own bucket ; I had to fall in line ; there

was no sympathy showed in any respect at all towards me ; I made the acquaintance of the Sisters of Charity when I was in Raymond street jail, and they come here on two or three occasions to visit me ; and when I came here there was plenty of room up in the church for everybody ; I used to go to the services in the morning and in the afternoon ; so they came here one day and wanted me to make them a promise that I wouldn't go to the services in the afternoon ; I told them that I couldn't make them that promise, that I had a great deal of respect for old Mr. Bass ; they told me that I was laying a bad example out to the other men that was here, and I needn't look for any sympathy as long as I went there, that his religion was only an imitation ; and I went to confession here to Father Murray, and when I went in to the confession in the tower, the man asked me if I went to Bass' church ; I told him "yes ;" he told me if I went there that he didn't want me for to go near him ; so I never went near him or never went to the morning services after that ; but I think for a man on a crutch that [come] here, and a cripple, I think I was used unfair and unjust ; I am all shook up now, very nervous, and continually getting struck on the right side with this nervous shock ; I have been in the shop all my time up here until I met Commissioner Henry ; he went out and talked the matter over with me, and he took me out of the shop ; that is about three months ago ; I have made complaints to Mr. Bass here on two or three occasions in regard to the treatment I receive, but I never received any satisfaction ; there was a paralyzed man carried—here last May—I don't know what the mans' crime was ; I don't know what he came here for, but he was carried over on a chair and placed in the dungeon right in under where I was locking ; the man was paralyzed from the hips down ; I believe he was struck with paralysis, but he was left down there for four days, or five, I ain't quite sure now whether it was four or five—but he was taken out one morning, and the doctor was there, this young doctor that is there now ; they told the man to get up and

walk, and it seems the man laid there on the flags; and the head hall-man at the time, John Chamberlain, he kicked the man in the stomach and punched him in the face; and Keeper Riley, here in the short term prison, stood there with the doctor and laughed; and they dragged the man on his face and hands up the stairs, and threw him out on the flats, and there was a couple of other convicts that carried the man off; I believe he died a few days after that; I stepped out of the cell at the time and I told Chamberlain that I thought he was the meanest cur of a man that ever I seen; and the doctor was there; there has been a new doctor in Dr. Bartlett's place here, a man come here, that I have stated my case to him on three or four different occasions; the man prescribed for me, but I never received any medicine; I went to him five times and asked him the reason why I didn't receive it,—he prescribed tincture of ginsin, prescribed bromide, extract of "sennat" and sarsaparilla—I can't account for the reason.

Q. What was your business before you came here? A. I was a special officer and private night watchman; I got into trouble while I was acting in the discharge of my duty.

Q. Is there anything else? A. Well, that is all, I guess, pretty near all I have got to say; I would like to speak to Mr. Bass for a moment.

Isaac Hawley, having been called, testified as follows:

Examined by Mr. Hirsh:

Q. You are from Indian territory? A. Yes, sir.

Q. What are you here for? A. Larceny.

Q. Horse stealing? A. Horse stealing.

Q. How old are you? A. Eighteen.

Q. How long have you been here? A. Been here about 16 months.

Q. Sentenced for how long? A. Two years.

Q. Your time is nearly up? A. Yes, sir.

Q. Any complaints to make? A. Yes, sir.

Q. Now let me cut this short—your people from your place have

complained about the food, the lack of clothing and lack of blankets—is there anything else you have to complain about? A. Yes, sir.

Q. What is it? A. I have been treated worse than a brute would be allowed to be treated outside of these walls; I have been beaten over the head with those shillalys that they carry around here and I will carry the scars to my grave from the effect of it.

Q. On your head? A. Yes; I have two. (Shows scars.)

Q. Who hit you? A. Mr. Menan, I think they call him, my keeper

Q. What for? A. For fighting.

Q. Fighting with another man? A. With another man, yes, sir.

Q. How often were you beaten? A. I think I was hit twice—I have two scars—I only know of being hit once, for I don't remember anything longer than that until I had my coat put on me; the first lick that I got is the only one that I know of, but I have two scars, and I was sewed up in two places—one place took six stitches and the other three.

Q. That is, you were hit twice at the same time? A. At the same time, yes, sir.

Q. How long ago is that? A. I was struck on the 18th day of December, 1893; and then (referring to memorandum) this institution fails to provide us with the rules that their institution is run by; furthermore, they fail to provide us with the section of the law, chapter 12 of the law of 1886; in section 16, chapter 12 the law provides itself that we shall be furnished with that section of the law.

Q. Are you not provided with a copy of the rules? A. No, sir; furthermore, it says that we are to have those rules read and explained to us, and that is failed.

Q. Is there anything else? A. Yes, sir; medicine, medical treatment; there was a young man right next to me, an Indian, that died; he lay sick in his cell for three weeks and wasn't taken to the hospital; he called for the physician three nights in succession, and the last night that he called there was a convict nurse came, the one that they

call the druggist; that was the only medical attention that he had in three weeks to my knowledge, and his cell was the next cell to me, and he died in an attempt to get to the hospital, and all the medicine that he got was three black pills, and that after death had struck him, after his cell mate had said that death had struck him; he was not able to take the pills; consequently he got virtually no medicine whatever.

Q. Is there anything else? A. No, sir.

Q. What is the name of that Indian you speak of that died? A. His name is James Root.

Q. When did he die? A. I don't know.

Q. How long ago? A. About two months and a half ago; he had 15 days to serve yet when he died.

Edison B. Rooney, having been called, testified as follows:

Examined by Mr. Hirsh:

Q. Where do you come from? A. New Rochelle, N. Y.

Q. What were you sent here for? A. Stealing.

Q. How long were you sent for? A. Four months, ten days.

Q. You are a short term prisoner? A. Yes, sir.

Q. Any complaints to make? A. No, sir; nothing, only I would like to get another job; I am rolling stone; roll so many stone I have got a pain in my back.

Q. When does your term expire? A. December 14th.

Q. That is the only complaint you have? A. Yes, sir.

James Abell.— (This witness, having sent word to the committee through a fellow convict that he desired to make a statement, was visited by Mr. Chambers and by Mr. Pladwell, of counsel, and testified as follows.)

Examined by Mr. Pladwell:

Q. Where do you come from? A. Indian territory.

Q. What are you here for? A. Charged with horse theft.

Q. How long is your term? A. Seven years.

Q. How long have you been here? A. Two years. (Witness hands counsel a letter for perusal, purporting to have been written to him in his behalf.)

Q. Have you any complaints to make about your treatment here?

A. I don't know that I have; our grub is mighty sorry, but then I never expect anything else; we made a general complaint last year, but it didn't do no good.

Q. This is different from any complaint you have had opportunity to make before; this is before an investigating committee from the State Legislature, who have the right to pass laws necessary for the improvement of the treatment here, and it is for the purpose of getting at that. A. I supposed maybe you were United States inspectors.

Q. No; the United States inspectors, of course, can't change anything; they can only report to their government; if you have anything to say with reference to these matters — I will tell you on the start that all of the convicts that have been before the committee have testified that the food was poor and insufficient, and they didn't receive enough clothing, no underclothes, that the clothing was too thin for the weather, and that they didn't have sufficient blankets; is that about what your complaint would be? A. That is just about my complaint; yes, sir.

Q. Now, outside of that have you anything? A. I have slept cold ever since I have been here, and since I have been paralyzed, the 6th of June, I am cold all in this side (indicating).

Q. You have been paralyzed since the 6th of June, this year? A. Yes; I fell in the shops with a stroke.

Q. You have never been in the hospital? A. No, sir.

Q. And all the treatment you have received you have received right here in your cell? A. Yes, sir.

Q. Have you a cell mate? A. Yes, sir; I have a life cell mate; in here for life.

Q. What medical treatment have you received? A. I rubbed with liniment a good while; didn't seem to do any good; then they gave me a tonic that had strychnine in it; they said I took too much of that one day, and made it half; I finished taking an ounce bottle; my health generally, outside of this is quite good—well, considering everything, I was a mighty healthy man on the outside.

Q. How old are you? A. Twenty-seven.

Q. Then outside of the things I have mentioned you have no complaint to make; you think you receive sufficient medical treatment?

A. Well, I don't know; I never was in prison—this is the first case I ever had; I just went down 200 miles from home—thought I would continue the case—charge of horse theft; and never was there in my life; never allowed me a witness; just took me up and shoved me off; I have had five petitions from there, but they don't do me any good.

Q. Have you any suggestions to make in reference to the treatment of prisoners here? A. Well, I don't know—as far as I am individually concerned I would like to have more grub, and I would like to have what we get fixed better.

Q. Cooked better? A. I just consider we get only a dinner; there is some tea now (indicating), and a piece of bread to-night—you may term it hot water; and coffee every morning.

Q. You have received your tea for to-night, have you? A. Yes, sir; just now eating it.

Q. This is your statement you wrote to Dr. Bass (referring to statement heretofore produced by witness.) A. No; Dr. Bass has written to Alabama to a man I knowed from my infancy.

Q. I won't be able to read this now; would you like to have me put this in the minutes? A. I would like to keep it; read it, it won't take you but a minute; you can read it out so these other men can hear it.

(Counsel reads.)

Q. This speaks very highly of you. A. I have never had any fault—no trouble of no kind; this is the first case I have had in the courts; I have got a wife and five children in Indian territory.

(The committee, with counsel, visited the upper tiers in the long term prison for the purpose of further inspecting the cells.)

John F. Lagan—(This witness, an occupant of cell No. 34, intimated. to counsel when he was passing his cell, a desire to be heard, and testified as follows):

Examined by Mr. Hirsh:

Q. What is your sentence? A. Three year sentence.

Q. What for? A. For embezzling United States mail.

Q. United States prisoner? A. Yes, sir.

Q. What are your complaints? A. I have been locked up twice in the last three or four months for not being able to do my work.

Q. What shop are you in? A. Mail bag shop.

Q. You find the work too hard? A. I can do so much work, but can't do the task.

Q. The task is 30 bags? A. Eighty bags, making bags.

Q. Is there any other complaint? A. I was in the cooler the last time 36 hours, and when I come out I felt the effects of it all last week, and had to remain in, sick, yesterday, on account of it; furthermore, my mother was here the Sunday I was in the cooler; she spoke to the warden; he didn't treat her as a gentleman should treat a lady; he was very abrupt and very sarcastic; as far as the doctor is concerned, several times I have went to the doctor, and he utterly ignored me; told him I was sick.

Q. Which one, the young man? A. The young man; and I was, physically, in bad condition when I came here; in fact, I was under the doctor's treatment when I was arrested, and had been for a couple of months.

Q. Any other complaint? A. That is about all.

Mr. Hirsh—Upon examination of the cells we find that bugs are plentiful, and some of the walls show the marks.

Job G. Bass, having been sworn heretofore, was called as a witness, and testified as follows :

Examined by Mr. Hirsh :

Q. Has there been any cleaning done in the penitentiary in anticipation of the visit of this committee? A. Not that I know of; I heard a man say the other day that they was expecting the committee and they was going around cleaning up ; I don't know of it.

Q. You know, of course, that men are punished by having their dinners taken from them? A. I have heard of it.

Q. You don't know of it yourself? A. I don't know as a fact; I have heard of it from two or three persons.

Q. You have heard the complaints made here by the prisoners as they were brought in? A. Yes, sir.

Q. And you have heard those complaints made to you personally frequently, haven't you? A. Yes, sir.

Q. Did you ever investigate any of those complaints for yourself? A. I have never tasted the dinner; I have tasted the bread, and the bread has invariably been good; of course, in our own homes our housewives do not always make bread the same.

Q. Have you ever looked at the dinners to see what kind of meat is given them? A. No; I have tasted the tea at night.

Q. Not much tea about it? A. Well, it has a good smell and good taste; I am not much of a judge.

Q. You have been here for how many years? A. Twenty-nine years.

Q. You have also heard frequent complaints about ill-treatment? A. Yes, I have heard.

Q. The method of work in the penitentiary—the tasks that are assigned—do you consider that a wise way of employing men? A.

The complaints have been mostly made; the shop men have come and said to me, "we have been accustomed to horses and the handling of plows, but we have never seen a sewing machine, some of us, and our fingers are not able to do the work.

Q. Yet they are assigned to a certain task? A. Yes, to a certain amount, and if they do not do that they are locked up for disobedience of orders; that is what has been told me; 50 or 60 men locked up and sent back without their dinner.

Q. Are there any prisoners idle now, do you know? A. I think that every man that is able to do work has some kind of work.

Q. Have there been many idle heretofore? A. Not that I know of; unless the men are really sick they would sooner work than remain locked up in their cells.

Q. What is the power of the warden so far as you have seen it? A. I think he has got unlimited power.

Q. Unlimited power? A. Yes, I think so.

Q. You know that men are punished without any complaint being made to the warden before the punishment? A. I have heard that; I don't know it.

Q. Is there any way that you have of investigating these complaints yourself, Mr. Bass? A. I have publicly announced in the chapel, and it is known to every man in the prison that his correspondence with me, either by word of mouth or in writing, is confidential, and when they have made complaints about being overworked, etc., I have told them that is the doctor's part of the work, they must go to him; when they have complained to me about a man being locked up that is not congenial—the quarrels always in the cells are always about either religion or politics—I have spoken to the keepers and they have changed the men, tried to put in congenial men.

Q. Do you consider that the coupling of prisoners in a cell of the kind you have here is good for prisoners? A. Well, when two men are friendly one to the other I believe in the case of these western

men, put two men together, they learn each other books; a great many of these men from the west are profoundly ignorant; don't know the first letter in the book, and Mr. Hayes has assisted me in getting slates and pencils and primers and spelling books so that these men can be instructed; I think that if I was in a prison I would sooner have a companion than to be in there alone.

Q. Did you hear Hart's testimony on that subject? A. Yes, sir.

Q. You heard what he said, that it leads to subsequent crime by men learning more in the prison than they knew before, and they come back again afterwards? A. I think that is possible; but I believe there are certain crimes that might be committed in the cells when the men are alone that they would be ashamed to commit in company with another man, self-abuse for instance.

Q. Yet you have heard this same man testify that they are guilty of self-abuse by being together? A. Well, I don't know about that; I think a man must be void of all sense of shame to—

Q. Mr. Bass, do you think that the employment of young women like Miss Kelly, for instance, is a good thing for the prisoners in a place like this? A. I think not—I think it is neither good for the woman nor good for the criminal—we have men here you know that are mere animals, and the sight of a woman here in their midst arouses their passions.

Q. In your opinion shouldn't oil be furnished to the prisoners, so they could see to read after their task of the day is finished? A. I think so.

Q. You have heard it testified generally that no oil is furnished them? A. Well, that is wrong—it ought to be furnished them—I consider it cruelty to the prisoners and impolitic to us outside citizens that these men should be shut up alone to their own thoughts.

Q. That is, they should be kept busy by proper reading? A. Kept busy in the day time and should have something to read in their leisure moments, so I put myself to considerable amount of trouble and expense in providing reading matter for them.

Q. In your opinion the county should provide the means of furnishing reading matter to the prisoners? A. Yes, sir.

Q. You have heard, of course, of men being kept in the dark cells and dungeon for very many days? A. I have heard before Mr. Hayes was here that a man was kept in the dungeon for twenty-five days.

Q. Well, during Mr. Hayes' time a man was kept in for some length of time, too, wasn't he? A. The only man that I have heard of being kept more than ten days was this man Furnal.

Q. Did you hear of men dying for the want of proper medical attendance? A. No, sir.

Q. Never heard that? A. No, sir—the hospital has been kept in as good order—I have taken a great deal of pleasure in bringing ladies here, because the reputation of this prison has been very dear to me; I have been here so many years, and I have taken ladies into the hospital, and I think the hospital has been kept, as far as I could see, as well as any of the hospitals in the county—clean sheets, clean pillow cases, and everything.

Q. But that does not apply to the penitentiary proper, Mr. Bass; the cells are in a filthy condition and there are bed-bugs in the cells. A. Well, there are some very filthy men.

Q. Yes, but in the long-term prison, men ought to be kept clean—that can be done, don't you think? A. Well in both prisons; in the whole prison; they ought to be kept clean.

Q. Did you ever yourself go through any of the cells, Mr. Bass? A. Yes, sir.

Q. Frequently? A. Well, I visit here two or three times a week, and I do not very often go up to the top tier, and I have been almost to every cell in the prison.

Q. In going through this afternoon with the committee and counsel to this committee found signs of bugs in almost all the cells on the upper tiers. Don't you suppose that that can be avoided? A. It ought to be avoided.

Q. And the cells also show traces of being newly whitewashed in anticipation of this visit; did you notice that they looked cleaner than usual? A. No, sir; because as far as I know the cells are frequently whitewashed.

Q. Did you ever notice the character of the blankets? A. Not particularly.

Q. They look very aged? A. I come here—I make my visits in the day time and if I go into the cells to see a prisoner the bunks are up against the wall to give more room.

Q. Is there any suggestion that you have to make, Mr. Bass, to this committee regarding the penitentiary? A. Oh, yes; I should think the cells ought to be kept free from bugs, free from lice; and the food, they should have better food than they have morning and night.

Q. Do you also appreciate the fact that the character of the cooks that they have is such that it causes a great deal of waste of food which amounts to nothing so far as the inmates are concerned. A. Yes, as that man said, they put the short term prisoners under a long term prisoner to do the cooking; whether they knew anything about cooking before coming here or not I don't know; there is no reason in the world why the prisoners in this prison should not have as good food and as well cooked as in your house and mine; the county pays for a man to inspect everything that comes here; the meat, the coal, the flour and everything used, and it is to be supposed that the thing comes up to the contract.

Q. If the county paid for a man to do cooking properly the food would not be wasted and the prisoners would get things that are properly cooked? A. Well, where you could hire the man for the paltry amount that the county would give—

Q. If it is simply a question of economy of course, they can have everything done by convicts, but if it is a question of proper treatment— A. Generally it seems to be the policy to make the place self-sustaining.

Q. And in that direction they economize in every place? A. Yes sir; so that every warden that comes here wants to make the place self-sustaining.

By Mr. Cole:

Q. Isn't it the desire on the part of the tax-payers that the warden to do that? A. I don't know; not on my part.

Q. I know, but generally speaking? A. A penitentiary ought to be a reformatory; it is a matter of great question to us whether these men, when they are sent here, will go out better or worse men than they came in; they are our fellow citizens, the majority of them have got to live with us.

By Mr. Hirsh:

Q. They are our fellowmen anyway. A. Yes, and they are our fellow citizens, especially those coming from this county, and they have got to live with us, and it is a matter of vital importance whether they are better or worse, whether they go out from here feeling that they have been illtreated and with revenge in their hearts; they say society has done them a harm and they want to get square with them.

Q. And there is reason for that feeling, isn't there, Mr. Bass? A. Well, I think so; it is natural to the human heart.

Q. Now, is there anything else? A. I don't know whether it is the same man, King, that came in here to-day or not; I am not certain that that is the man; but something like two years ago a man by the name of King came to my house and said to me, "Mr. Bass, here am I, I have served 10 years in the penitentiary, I am without home, I am without friends, I am without employment, I am without character, what in the name of God am I to do?" well, what in the name of God are you to do? we had a rule at one time that a prisoner sent here from Judge Moore's court for one, two or three years would get \$5 and a suit of clothes; a day under one year or a day over three years he came out without anything; Mayor Chapin, while he was controller of New York, either resurrected an old law, put a construction

on the law, by which prisoners in here over three years got nothing; so that this man King came out, and 13 days after that he stood before Judge Moore's court, pleaded guilty to an attempt, to be sent back here.

Q. He had no means of a livelihood? A. No means of a livelihood; I gave him something for present subsistence.

By Mr. Cole:

Q. Now there is one question I want to ask you and that is, a good many of these prisoners have made a statement that they are sent into the dark cells, sometimes without any charges made against them, or for not doing anything contrary to the rules, and have they ever requested you to report that to the warden? A. Yes, and I have done sometimes.

Q. And what has been the result? A. I don't know what the result has been; previous to Mr. Hayes' coming here, under Warden Green, the prisoners had no access at all to the warden, and I think the first conversation I had with Mr. Hayes was on that point, that every prisoner should have an opportunity to hold a conversation with him.

Q. Well, since Warden Hayes has been here you have reported matters of that kind to him, have you? A. Yes, sir.

Q. And you know nothing about whether he has reprimanded the keepers on anything of the kind in the matter or not? A. No.

Q. You know nothing about what has been the result? A. No.

By Mr. Hirsh:

Q. Don't you think it would be the proper method of discipline, Mr. Bass, that a man before he is punished, as they have all testified he was, by a keeper taking him from his work and putting him in a dark cell, that charges be preferred before the warden or deputy warden and he had a chance to be heard? A. I think it is contrary to the laws of God and man that any one should be punished without investigation taking place, that the accused and the accuser should be brought face to face.

Q. What, in your opinion, would be the result of taking the work away from the penitentiary? A. I think it would be bad to the prisoners, bad for us; I know that when the roof of the penitentiary was burned off that the men actually cried for employment; I think they would go insane; and then they would be more liable to these abuses, self-abuse, than if the men were kept hard at work all day; men kept hard at work all day, they would not want to abuse themselves when going to their cells at night.

Q. So there is a happy medium line between work, a task that they can not perform and a sufficient amount of work for the body. A. I think that a man should be examined mentally and physically and given that amount of work for which he is adapted—that quality of work and that amount of work.

Q. And not be all placed upon the same plane, as has been testified here by the instructress, Miss Kelly, that every man is supposed to do the same amount of work. A. Yes, I know we are all American citizens here, and yet there is a lie on the face of the declaration of independence; all men are not born free and equal—some men are handicapped before their birth.

Q. Is there anything else that you have to suggest or to say to this committee, Mr. Bass? A. No—I think the committee is quite wise enough, after having heard all the testimony, to make these suggestions; so far as I myself individually am concerned, Mr. Hayes has always treated me with courtesy; but, gentlemen, I have been here since McNeeley's time; after McNeeley's time, Mr. Cunningham—I suppose you know him?

Q. I know him very well. A. Hardly able to write his name—not at all qualified for the work; then after him came James Shevlin—he is my personal friend, then and now—if I was his father he could not treat me better—but he was a young man and he had no acquaintance with mankind; he was here for a number of years; then they put Mr. Green in; he was the principal man of the dominant political

party; Mr. Hayes has been president for the same reason, not because of any mental or moral adaptation to the work; the warden of the penitentiary should be selected with a great deal of care, and the keepers with a great deal of care; we have heard remarks here this afternoon that—I don't know whether they are true or not—about men being cursed; well, no keeper ought to be able to curse a man—he should be a man a little better, at least, than the prisoner.

Q. The idea of clubbing men with a club so that they show scars, like some of them did here to-day, is hardly the proper treatment for prisoners in the shops? A. It is contrary to law, and a keeper is as much bound to observe the law as the prisoner is.

Mr. Cole—This committee will stand adjourned until 10 o'clock A. M., October 24th, at the Court House, Brooklyn, subject to any change, upon notice by the chairman.

EXHIBIT “ 36.”

(Copy of title page.)

Chapter 21 of the Laws of 1886, providing for the Commutation of Sentences for good conduct, and the rules formulated in compliance with its requirements. 1888.

(Copy.)

Chapter 21 of the Laws of 1886, providing for the Commutation of Sentences for good conduct, and the rules formulated in compliance with its requirements.

CHAPTER 21.

AN ACT providing for commutation of sentences for good behavior of convicts in the prisons and penitentiaries in this state. Passed February 23, 1886.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every convict confined in any state prison or penitentiary in this state, on a conviction of felony or misdemeanor, whether

male or female, where the terms or term equal or equals one year, or who has a term the maximum of which is fixed by law, exclusive of any term which may be imposed by the court or by statute as an alternative to the payment of a fine, or a term of life imprisonment, may earn for himself or herself a commutation or diminution of his or her sentence or sentences as follows, namely: Two months for the first year, two months for the second year, four months each for the third and fourth years, and five months for each subsequent year.

§ 2. Where any convict in any state prison or penitentiary in this state is held under more than one conviction, the several terms of imprisonment imposed thereunder shall be construed as one continuing term for the purpose of estimating the amount of commutation which he or she may be entitled to under the provisions of this act.

§ 3. For the purposes of this act the term of imprisonment of each convict shall begin on the date of his or her actual incarceration in a state prison or penitentiary.

§ 4. On any day not later than the twentieth day of each month the agent and warden of each of the state prisons in the state, and the warden or superintendent of each of the penitentiaries in this state, shall forward to the governor a report, directed to him, of any convict or convicts who may be discharged the following month by reason of commutation of his or her sentence or their sentences in the manner hereinafter provided, which may be written or printed, or partly written and partly printed, which shall be uniform as to size and arrangement, which size and arrangement shall be fixed by the governor, and shall contain the following information, distinctly written, namely: the full name of the convict, together with any alias which he or she may be known to have, the name of the county where the conviction was had, a brief description of the crime of which the convict was convicted, the name of the court in which the conviction was had, the name of the presiding judge, the date of sentence, the date of reception in the prison or penitentiary, the term and fine, the

amount of commutation recommended, and the date for discharge from the prison or penitentiary, if allowed.

§ 5. In the cases of all convicts where the date of discharge from a state prison or penitentiary, as determined after the allowance of commutation for good conduct, falls on Sunday, or any legal holiday, it shall fall on the day following.

§ 6. As soon as practicable after the passage of this act, the superintendent of state prisons shall formulate rules governing the allowance or disallowance of commutation to convicts for good conduct in prison or penitentiary, which shall in all cases be strictly adhered to in all the prisons and penitentiaries in this state. These rules may be changed from time to time, if necessary, in the discretion of the superintendent of state prisons, and he shall immediately on their adoption, or of any changes in the same thereafter, cause copies of the same to be forwarded to the agents or wardens of all the prisons, and the wardens and superintendents of all the penitentiaries in this state. A copy of these rules shall be furnished to every convict entitled to the benefits of this act.

§ 7. For the purpose of applying the rules mentioned in the last section for the allowance or disallowance of commutation for the good conduct of any convict, a board shall be constituted in each of the prisons and penitentiaries of this state, to consist of the agent and warden in each of the state prisons and the principal keeper and the physician therein, and the warden or superintendent in each of the penitentiaries of this state, the deputy or principal keeper and the physician therein, or of the persons acting in their place and stead. This board shall meet once in each month before the date fixed for the transmission of their report to the governor, as hereinbefore provided, and proceed to determine the amount of commutation which they shall recommend to be allowed to any convict, which shall not in any case exceed the amount fixed by this act. They shall have full discretion to recommend the withholding the allowance of commutation for good

conduct or of any part thereof as a punishment for offenses against the discipline of the prison or penitentiary, in accordance with the rules hereinbefore mentioned.

§ 8. In all cases, however, where the board shall recommend the withholding of the allowance or the whole or any part of the commutation for good conduct, they shall forward with their report to the governor their reasons, in writing, for such disallowance, and the governor may, in his discretion decrease or increase the amount of commutation as recommended by the said board, but he shall not increase the same beyond the amount fixed by this act.

§ 9. In case any convict in any of the state prisons or penitentiaries in this state having a sentence or sentences which equals or equal four years, escapes or attempts to escape, he or she shall, for the first escape or attempt to escape, forfeit one-half the amount of commutation fixed by this act. For the second escape or attempt to escape, he or she shall forfeit all commutation for good conduct as provided for in this act. Any convict, however, having a sentence or sentences which equals or equal less than four years, who escapes or attempts to escape, shall forfeit all commutation for good conduct as provided for in this act. But where a convict has more than one term, the provisions of this section shall only apply to the term during which the escape or attempt to escape was made.

§ 10. The board hereinbefore provided for to fix the amount of commutation for good conduct, shall, immediately on the escape or attempt to escape of any convict, meet and proceed to investigate the said escape or attempt to escape, reduce the testimony of all persons having knowledge on the subject to writing, cause the said persons to affix their signatures thereto and make oath to the same before one of the members of said board, who is hereby authorized and empowered to administer such oath, and false swearing on such examination or in such statement shall be perjury. The said board shall thereupon make a full report in writing, and immediately forward the same

to the superintendent of state prisons, who shall thereupon determine whether an escape or attempt to escape was committed, make an endorsement, in writing, of his decision, and return the same to the agent and warden of the state prison, or the warden or superintendent of the penitentiary where the escape or attempt to escape shall have occurred, where the same shall be recorded in a book to be kept for that purpose. But, if from newly-discovered evidence, or other just cause, there is reasonable ground to believe that an injustice has been done to any convict in his or her having been adjudged to have escaped or attempted to have escaped, the superintendent of state prisons may, in his discretion, make an order in writing directed to the agent and warden of the state prison or the warden or superintendent of the penitentiary from which such convict was adjudged to have escaped or attempted to have escaped, requiring that a re-examination of the former adjudication to be had, and upon a report to him of such re-examination, he shall proceed to render a decision upon the same. And the proceedings on such re-examination, the decision and the proceedings had thereunder, shall in all respects be conducted in the manner above set forth in this section as upon a first hearing in the matter of an escape or attempt to escape. But the provisions of this section shall not apply to the case of any convict the length of whose term or terms is less than one year.

§ 11. The provisions of section nine shall apply to all convicts who are now or may hereafter be confined in any prison or penitentiary of this state.

§ 12. The reports of the various boards for the determination of the amount of commutation for good conduct of convicts in the prisons and penitentiaries of this state to the governor shall be personally signed by the members thereof.

§ 13. The governor upon the receipt of the report recommending the allowance of commutation of sentence of convicts for good conduct, as

provided for in this act, may, in his discretion, allow the same, and place the names of all those convicts whom he may determine to commute upon one warrant, and direct the same to the agent and warden of the state prison or the warden or superintendent of the penitentiary wherein such convicts may be confined, who shall thereupon proceed to execute such warrant by discharging the convicts mentioned therein on the date fixed for their discharge.

§ 14. The governor shall, in commuting the sentences of convicts as provided for in this act, annex a condition to the effect that if any convict so commuted shall, during the period between the date of his or her discharge by reason of such commutation, and the date of the expiration of the full term for which he or she was sentenced, be convicted of any felony, he or she shall, in addition to the penalty which may be imposed for such felony committed in the interval as aforesaid, be compelled to serve in the prison or penitentiary in which he or she may be confined for the felony for which he or she is so convicted, the remainder of the term without commutation which he or she would have been compelled to serve but for the commutation of his or her sentence as provided for in this act.

§ 15. The certificate of the agent and warden of a state prison, or the warden or superintendent of a penitentiary, that the period of imprisonment of a convict was commuted under the provisions of this act, and of the crime and the length of term for which such commutation was granted, shall be received in evidence as proof for the purpose mentioned and described in section fourteen.

§ 16. Upon the receipt of any convict in any prison or penitentiary in this state who shall be entitled to the benefits of this act, the provisions of the same shall be read to him or her, and the meaning of same shall be fully explained to him or her by the clerk of the prison or penitentiary.

§ 17. Upon the discharge of any convict by reason of commutation of sentence for good conduct, the provisions of sections fourteen and

fifteen of this act shall be read to, and their nature fully explained to him or her by the clerk of the prison or penitentiary.

§ 18. The provisions of this act shall apply to any convict who may have been transferred to the state asylum for insane criminals from either of the prisons or penitentiaries, or from any reformatory of this state, to which he or she may have been transferred from any of the prisons or penitentiaries of this state whose sentence or sentences aggregates or aggregate not less than one year. And the medical superintendent of the state asylum for insane criminals may and shall perform any of the acts which may or shall be done by any board mentioned in this act.

§ 19. The provisions of this act shall apply to any convict who may have been transferred from either of the prisons or penitentiaries to any reformatory of this state whose sentence or sentences equals or equal not less than one year. And the superintendent or chief officer of any reformatory in this state in which any convict may be transferred as aforesaid, may and shall perform any of the acts which may or shall be done by any board mentioned in this act.

§ 20. In all cases where it is herein provided that any board shall or may do any act, a majority thereof may and shall perform the same.

§ 21. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 22. This act shall take effect immediately.

RULES.

Rule 1, Section 9. In case any convict in any of the state prisons or penitentiaries in this state having a sentence or sentences which equals or equal four years, escapes or attempts to escape, he or she shall for the first escape or attempt to escape, forfeit one-half the amount of commutation fixed by the above act. For the second escape or attempt to escape, he or she shall forfeit all commutation

for good conduct provided for by the above act. Any convict, however, having a sentence or sentences which equals or equal less than four years, who escapes or attempt to escape, shall forfeit all commutation for good conduct, provided for in the above act.

Rule 2. Any convict who shall assault an officer with a dangerous weapon shall forfeit not less than one-half of the commutation fixed by the above act for good conduct.

Rule 3. Any convict who shall assault another convict with a dangerous weapon shall forfeit not less than one-quarter of the commutation fixed by the above act for good conduct.

Rule 4. For assaulting or attempting to assault an officer or assaulting another convict, not with a dangerous weapon; for disobeying orders; for resisting an officer; for insubordination; for feigning insanity; for smuggling or attempting to smuggle letters or other articles in or out of the prison or penitentiary, the convict offending shall forfeit not less than ten days of the allowance of commutation fixed by the above act for good conduct.

Rule 5. Any convict who shall destroy or secrete property shall forfeit not less than five days of the allowance of commutation fixed by the above act for good conduct.

Rule 6. For offenses not enumerated in the foregoing rules, but which in the judgment of the board constituted by section 7 of the above act, require a penalty; the convict offending shall forfeit not less than three days of the allowance of commutation fixed by the above act for good conduct.

Rule 7. If, while serving the remainder of a term as provided by section 14 of the above act, a convict shall commit any of the offenses enumerated in the foregoing rules, the forfeiture, therefor, shall apply on the term of the last sentence.

Rule 8. The board constituted by section 7 of the above act may take unto consideration the general average conduct of a convict, and recommend the withholding of such part of the commutation for good

conduct as in its judgment may be just in accordance with the foregoing rules.

ISAAC V. BAKER, JR.,

Superintendent of State Prisons.

ALBANY, *March* 15, 1886.

PROCEEDINGS OF THE ASSEMBLY COMMITTEE ON
AFFAIRS OF CITIES, INVESTIGATING THE DEPARTMENT OF CHARITIES AND CORRECTIONS OF KINGS COUNTY, AT A MEETING HELD AT THE CITY HALL, BROOKLYN, N. Y., ON TUESDAY MORNING, NOVEMBER 19, 1895.

Present.—Hon. James M. E. O'Grady, Chairman; and Hon. Joseph L. Whittet, Hon. Frank D. Pavey, Hon. Frank F. Schulz, Hon. Charles C. Cole, Hon. James Keenholts and Hon. Samuel J. Foley, of committee.

Mr. Hugo Hirsh, of counsel.

Chairman O'Grady.—Now, Mr. Hirsh, we are ready to proceed.

Mr. Hugo Hirsh.—Mr. Chairman and Gentlemen: It gives me great pleasure to comply with your resolution asking me to present to you my views upon the law and the facts arising from the evidence adduced on this investigation, for I am thus given the opportunity of laying before your honorable committee in a compact form the proof which will aid you in preparing your report, and those of you who have not been able to attend all the sessions of this committee may thus be able to form some judgment concerning the scope which this examination has taken before you examine the evidence.

First of all, permit me to call your attention to the law creating the Board of Commissioners of Charities and Corrections of the County of Kings. This law is known as chapter 284 of the Laws of 1890. Sections 4 and 5 of that act reads as follows:

“Section 4. The board constituted by this act shall be a corporation by the name of the ‘Board of Commissioners of Charities and Corrections of the County of Kings,’ under which name they may sue and be sued, and they shall possess the usual powers of a corporation for public purposes. They shall constitute a board for the relief and support of the poor of the county of Kings, and for the government, management, maintenance and direction of the premises commonly known as the County Farm, at Flatbush, in said county, and of each and all of the several institutions and buildings, property and appurtenances situated or which may be erected thereon, and for the employment, relief, support and government of the persons placed thereon, and as such may appoint and remove from time to time storekeepers and all other officers, subordinates and assistants necessary for the proper discharge of their duties under this act and by law, and who shall hold their positions during the pleasure of said board, and said board shall also, on the expiration of the term of office of the present keeper of the penitentiary and the keeper of the morgue respectively, have the government, management, maintenance and control of the penitentiary, and the morgue of said county, and the employment, government, direction and support of the persons confined in said penitentiary, and as such may appoint and remove from time to time a superintendent or keeper of said penitentiary, and a keeper of said morgue, and such other subordinates and assistants in those institutions respectively, as may be necessary for the proper discharge of their duties under this act, and who shall hold their positions during the pleasure of said board; and upon the appointment by said board of a storekeeper, superintendent or keeper of said penitentiary keeper of said morgue, or any of the subordinates hereinbefore designated, the present incumbents shall vacate such position and surrender to such appointee or his successor all the property, effects, books and papers committed to his care by virtue thereof; and the person so appointed shall have all the powers, privileges and authority respectively of their

predecessors in office, subject, however, to the control and supervision of the board provided for by this act. And for the purposes aforesaid said board may from time to time make such rules and by-laws as may seem to them necessary, not inconsistent with the provisions of this act or contrary to law. The said board shall have power to purchase all such articles and supplies as shall be necessary to be used in and for the relief and support of the poor in the county of Kings, and for the support of the persons confined in said penitentiary, and for that purpose shall generally possess every power and authority now possessed by the commissioners of charities and the board of supervisors of the county of Kings, not inconsistent with the provisions of this act. The said board shall from time to time, as may be necessary, advertise in the corporation papers of the city of Brooklyn, for not less than ten days, for proposals for all such articles and supplies as shall be necessary to be used in and for the relief and support of the poor of the county of Kings, and for the support of the persons confined in said penitentiary, and shall award contracts for the same to the lowest responsible bidder who shall give adequate security for the faithful performance of said contracts, excepting such perishable articles as are excepted by existing regulations from contract by the commissioners of charities of said county, and in case of an emergency, they may purchase articles immediately required without calling for competition, at an expense not to exceed \$500 during any one month."

"Section 5. The said board of commissioners of charities and corrections shall have exclusive power to fix the salaries or compensation of the officers, subordinates or other persons by said board appointed or employed, and to make all expenditures, provided the amount raised and appropriated shall not be exceeded. And all moneys and means now provided by law for any of the uses and purposes covered by this act for the present fiscal year of the county of Kings shall be applied in accordance with the provisions of this act."

There is no ambiguity about this law. Its language is clear, concise

and to the point. It does not require a lawyer to construe it; on the contrary, any layman, fairly understanding the English language, can and must understand this law without study or outside aid. You will notice that the powers given to these commissioners by this act are quite extraordinary, and being so, require the honest, earnest and constant attention and efforts of honest, earnest and intelligent men. These commissioners constitute a board for the relief and support of the poor of the county of Kings, whether sick or well, sane or insane, and they have the supervision and control of the penitentiary, with power over all these institutions to employ and remove superintendents, keepers, and all subordinates necessary to aid them in the proper discharge of their duties. They have power to purchase supplies and all articles necessary for the relief and support of those placed in their charge and for that purpose possess the power of the board of supervisors of Kings county. Mark the words of the law— “The said board shall have power to purchase all such articles and supplies as shall be necessary to be used in and for the relief and support of the poor in the county of Kings, and for the support of the persons confined in said penitentiary, and for that purpose shall generally possess every power and authority now possessed by the commissioners of charities, and the board of supervisors of the county of Kings.”

So I repeat that the power conferred upon these commissioners by this law was most unusual, and being so, it should be and should have been exercised with sterling honesty, with the greatest care, and with constant attention and fidelity to duty. The taxpayers of the county had the right to expect that the money appropriated by them for charity—the greatest of all the attributes—should be so expended. They had no right to assume that it would be dissipated by fraud, theft, collusion, neglect, selfishness, greed and apathy.

The statute I have referred to was passed to meet then existing evils which attracted the public attention to such an extent as to overthrow in this county the party responsible for them, and the press

and public of the vicinage continued thereafter to demand an honest administration of the charities department, seeming fearful at every election which in any manner affected it, that some backward step might be taken resulting in the restoration of the old sort of management. This is said for the purpose of calling your attention to the fact that at the time of the appointment of each of the commissioners of the department there was prominently before them the pronounced expectation of the public that they would not only be personally honest, but also that they would see that the law under which they were appointed would be carefully executed so that its safeguard would not be evaded.

Now this law which conferred certain powers upon these commissioners, also imposed certain duties and obligations upon them. These duties were simple, and if strictly and honestly adhered and attended to would have relieved the commissioners from grave responsibilities and would have obviated the necessity of bringing this investigation into being.

These duties, to be brief, were three-fold :

1. To advertise for proposals for all articles and supplies ;
2. To award the contract to the lowest bidder ;
3. Not to exceed appropriations.

There is nothing hard, difficult or onerous in these provisions. They are the same duties which the ordinary business man imposes upon his employe. Nay, more than that, they are the duties which the ordinary employe knows are expected to be performed by him, without being told.

But in addition to all the powers thus given them, the law also said to the commissioners in effect : Emergencies may arise ; it may be necessary for you to purchase articles for immediate use, articles you could not have been expected to advertise for, or those you did not advertise for, for such articles you may expend a sum not to exceed \$500 per month, without competition. This emergency fund was, by subsequent legislation, increased to \$2,000 per month.

Permit me to impress upon you the language of this emergency clause, for it plays a very important part in this investigation: "And in case of emergency they may purchase articles *immediately required* without calling for competition at an expense not to exceed five hundred dollars during any one month." So you see they could not lawfully erect buildings, or employ an extraordinary number of mechanics, or purchase an enormous amount of supplies under this provision, but it was intended for that which is obvious by the word used—an emergency.

So much for that portion of the law of 1880, which created that department.

In the same year another act was passed by the legislature, known as chapter 532, which also bears upon the questions under discussion. This was the act creating a board of estimate for the county of Kings and city of Brooklyn.

By section 1 of that act it is provided that "the city and county departments and officers, including the park commissioners and the commissioners of charities and the board of supervisors of Kings county, shall, on or before the 15th day of May in each year, transmit to the said board of estimate, a statement in detail of the several amounts which, in their judgment, will be required for the use of the said board of supervisors, the said departments, officers and commissioners respectively." This same provision is also incorporated into the charter of the city of Brooklyn.

I quote these laws to you at the beginning of my remarks, so that you may the easier comprehend the scope and object of some of the evidence adduced before you.

With these extraordinary powers given them, with the few and simple duties and obligations connected therewith, together with the fact that the entire scheme was one for the relief of the unfortunate, the sick, the poor, the insane, the criminal, all those who for some reason are unable to care for themselves, one would have supposed that, what-

ever of wrong or filth there might be in the conduct of the other departments, in this department of charities all things would be found honest, clear and right. Were they so found? Let us see.

From almost the beginning of the administration of the department by Commissioners Gott, Murphy and Nolan, in 1890, their purpose of violating this statute is indicated by the removal of subordinates of acknowledged capacity and honesty. Their places were filled by men of no experience, in respect to the duties to be performed, or if not deficient in capacity, of doubtful integrity. In one of these classes I refer to the counsel to the board, who had but recently been admitted to the bar, and was concededly without experience, and who admitted on the stand that his employment by the board was his first retainer at the bar; I refer to the secretary of the board, also without experience; to the general storekeeper, of no experience; to the chief engineer and superintendent of repairs, who had been removed by a previous administration and as to whom the testimony shows his reappointment was a fraud upon the public, and it was left to the present board to remove him.

These acts were followed by others indicating the settled purpose of the board. The testimony shows that from time to time as any medical superintendent or physician connected with the department exhibited any intention of carrying out the provisions of the law, or insisting upon the observance of decency or humanity, they were either removed or were treated so that they were forced to resign. In furtherance of the design I have referred to, additional and useless employes were appointed with the duties assigned them that had previously been properly performed by other employes of the board, or when such needless appointments were not made, some of the duties performed by one class of the employes were transferred to others of a more supple character.

Having thus paved the way the conspirators proceeded to violations of the law and acts of fraud. I have referred to the requirements of

the statute in reference to advertising for supplies. This is the most effective bar to fraud in this regard. How was it evaded? Why, in numberless ways, all tending to robbery of the public. This was so fully demonstrated before this committee that the apologists of the wrongdoers were not only silenced but forced to admit the wrong.

In the first place, supplies not needed, and known that they would not be required, were placed in the schedules. Then the supplies really needed were placed in classes with those not needed. This resulted in ridiculously low prices being bid for the goods not required and not called for, and enormously high bids on those required and called for, and by balancing the bids, the party who was obviously the lowest, but not actually the lowest bidder, became the contractor with the board. So the statute was set at naught, and the public money wrongfully taken. This could not have been done without the connivance of the board with the contractors. This kind of bidding has been condemned by the Court of Appeals in the case of *Nelson vs. Mayor, etc.*, of New York, and is by that, the highest court in this State, characterized as a fraud. I will call your attention to the decision in that case in a moment.

Permit me to give you a few of the most flagrant examples of this method of defrauding the taxpayers of the county. In preparing the schedules of 1889 the then commissioners, against the majority of whom no criticism can be found—I would state against the majority of them, because Mr. Gott was a member of the board also, and he claimed that while he was a member of the board he hadn't anything to say; I have the schedules, and before I get through I will show them to the committee, and they may show incidentally some of the labor that the counsel had in going through the various schedules for the purpose of comparing the 2,400 or more items with the 2,000 items in 1889 for the purpose of discovering these particular class items—in preparing the schedules of 1889 the then commissioners, against the

majority of whom no criticism can be found, inserted an item of one park urinal, and the successful bidder in that year bid \$125 for that article; the commissioners did not purchase this article as they found that they could accommodate the inmates of the various institutions in a different way; notwithstanding this fact the same item makes its appearance upon the schedules of 1890, when Gott, Nolan and Murphy presided over the destinies of that department; the successful bidder in that year, not having as yet been thoroughly informed concerning the manner in which the department was to be conducted under the new commissioners, bid the sum of \$120 for that article and again it was not called for; the next year, this item was increased from one to twelve, with the absolute knowledge of those who placed it in the schedules that not one was wanted, that not one would be called for, and that honest bidders would be, and they were intended to be, misled by its insertion; the successful bidder bid 50 cents each, thus making \$6 a dozen for articles that no honest person could purchase in the market for less than from \$12 to \$15; the following year the schedules of 1892-'93 were again encumbered with this fraudulent item of park urinals, and again twelve were advertised for, and the successful bidder bid five cents each for these articles, and of course, in none of these years any of these articles were called for—

Chairman O'Grady—May I interrupt you a moment, Mr. Hirsh; did you find at any time in your investigations that any article had been purchased at those low prices?

Mr. Hirsh—Not one.

Mr. Schulz—There was one ordered but not taken.

Mr. Hirsh—I was coming to that in a moment; with reference to the steam kettles, the engineer testified that they ordered some of the sizes that were bid upon at 10 cents, but none were purchased; the following year they were again inserted in the schedules and then they were bid upon at \$100 each—those that had been bid on at 10 cents—and then they were purchased.

Mr. O'Grady—The city never got an article at one of the cheap prices?

Mr. Hirsh—Never under any circumstances—although Mr. Birkett was on the stand and testified that he was ready to deliver at that price, and Mr. Newman on the stand said the same thing. But the fact of the matter was they were never asked for, showing that it was never intended that they should be asked for when they made such bids.

Let us for a moment go into the domain of dry goods. There we found not one, but dozens of items which bear the same imprint of fraud. Two items of blankets appear upon the schedules for 1889. The blankets thus advertised for were so called for by brand name. The brands were well known in the market, were of a standard kind and could only be purchased at certain prices well known to the trade. In 1890 the same brand named was retained upon the schedules. In 1891 these corrupt commissioners commenced their juggling with that item as they did with others. The brand name from blankets was taken away and the bidder previously posted upon what he was called upon to do, did not disappoint the men with whom he was in league. Two items of blankets appear upon the schedules of 1891-92, both reading absolutely alike, as follows:

“Blankets, 10x4, white, as per sample, 6 pound.” Of these 1,500 pairs were advertised for. Of the second line, written exactly like the first, 2,000 pairs were advertised for. The former were bid upon at 75 cents a pair; the latter were bid upon at \$2.95 a pair. Of the former none were called for; of the latter, 1,608 pairs were called for.

In 1892-93 the same juggling continued. The same fraud appears upon the face of this item. The advertisement is the same. The bid for the first line was 75 cents a pair. The bid for the second line was increased to \$3.95 a pair. Of the first kind, 1,500 pairs were advertised for; of the second kind, 1,000 pairs were advertised for. Of the first kind, at 75 cents a pair, none were called for; of the second kind,

at \$3.95 a pair, 2,030 were called for. Why, I could go through this line of dry goods, and you gentlemen who were not present at all the sessions of this committee would be as startled and horrified at the frauds that were perpetrated upon the tax payers of this county by these corrupt commissioners and these swindling contractors as the members of the committee were who were present when the testimony was given. Let me give you a few more examples: Marbleized oil cloth for table tops. They called for 200 yards. They purchased 1,704 yards, because the bidder, the successful bidder, bid 40 cents a yard, more than 100 per cent. more than it was worth. They advertised for blue cloth. Not a yard of it was needed; none was called for; it could not have been purchased in the open market for less than 35 cents a yard at least. The successful bidder bid $2\frac{1}{2}$ cents a yard. They advertise in two places of the same class the item of seersucker. In one place the successful bidder bids $12\frac{1}{2}$ cents per yard; 12,000 yards are advertised for, and none are called for. In the other place, 1,000 yards are advertised for, the successful bidder bids 15 cents per yard, and 4,411 $\frac{1}{2}$ yards are called for. They advertise for 2,000 yards of American blue prints, worth about $7\frac{1}{2}$ cents per yard. The successful bidder bid $12\frac{1}{2}$ cents per yard, and they purchase 15,121 yards. They advertise for two kinds of kerseys, one a kersey known as W. J. Dickey & Son's, all wool. Three thousand yards are called for, and bid for at 46 cents per yard. The other, advertised for as "kerseys, white, as per sample," have 2,500 yards called for; the successful bidder bid $2\frac{1}{2}$ cents per yard. They purchase none of the kerseys at $2\frac{1}{2}$ cents per yard, but they do purchase 3,031 yards of those advertised as W. J. Dickey & Son's. But research at the place where the successful bidder stated he had purchased his dry goods for this contract, proved the fact that none of the brand known as W. J. Dickey & Son's were ever delivered to the county institutions.

And so, when we turn to the articles under classes known as chief

engineer's supplies, we find the same thing, the same fraud, the same corruption, only to a much greater extent.

The items of iron wire, various sizes, cast-iron pipe, various sizes, couplings, tees, steam pipes, all of them show this peculiar fraud. Each size has a separate line in the schedule. The sizes that the contractor knew would not be called for are bid upon at ridiculously low figures. As, for instance, cast-iron pipe, 2-inch, 3-inch, 5-inch and 6-inch, for drains, are bid upon at one-fourth cent per foot. None called for. The same item at 4-inch, the only one called for, was bid upon at 26 cents per foot. The item of sheet rubber, there are three lines: one is sheet rubber one-sixteenth-inch; the next is one-eighth-inch, and the last is one-fourth-inch. The first is bid upon at \$1 per yard, the second at \$4 per yard and the third at 2 cents per yard. Take the item of safety valves, which contains six lines, as follows: safety valves, 2-inch, 2½-inch, 3-inch, 4-inch, 6-inch and 10-inch. The first is bid for at \$30 per dozen; the second at \$10 per dozen; the third at \$10 per dozen; the fourth at \$250 per dozen, and the sixth at \$1 per dozen.

Take this item: Marble slabs, with one hole and basins, sides and backs, as per sample. One dozen is advertised for, and the successful bidder bid 10 cents per dozen. A witness who had been for years in the employ of the successful bidder in this class testified that the value of a dozen of these marble slabs, etc., was at least \$100. Of course, none were called for.

Take the item of wire mats: Wire mats, Herman Steel Company, No. 5, 5 dozen advertised for, 2 cents a dozen; the same thing exactly, No. 6, \$18 a dozen; the same thing exactly, No. 7, 5 cents a dozen. Those are the schedules. The \$48 kind was asked for and purchased.

Take the item of taper reamer: Formerly that was advertised for in the various sizes from a quarter of an inch to 2-inch. Here you have the items. They make 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12—13 lines of it. The ¼-inch 5 cents each. The $\frac{5}{16}$, $\frac{3}{8}$, $\frac{7}{16}$ —all of them, up

to the $\frac{1}{4}$ -inch, are 5 cents each. The $1\frac{1}{2}$ -inch are \$6 each and the 2-inch are \$10 each.

Take patent chain tongs: They go from No. 2 to No. 7. Nos. 2 and 3 are bid for at 2 cents each; No. 4 at \$8; No. 5 at 2 cents; No. 6 at \$10 and No. 7 at \$20.

Take bath tubs: Iron bath tubs, 5 feet 6 inches, 1 dozen, 10 cents a dozen; iron bath tubs, 6 feet, 1 dozen, \$240 a dozen.

Take Bundy patent radiators: Double row of loops, 20 loops, \$35 each; 30 loops, \$25 each; 40 loops, 5 cents each.

The safety valves I have called your attention to.

Ranges: No. 9, Mott's Defiance, set up complete, \$40 each; No. 10, \$100 each; No. 0, \$35 each; No. 5, Rollhouse, \$5 each.

Refrigerators: Upright, double door, New Perfection, No. 15, 1 dozen advertised for, \$2.50 each. Refrigerators, upright, double door, etc., 1 dozen advertised for, \$3 each. It was testified to here that they could not be purchased for less than \$4 or \$5 each. None were called for; they didn't use any.

Tin tea pails, 5 gallons, with lip, etc.; 3 dozen advertised for, \$18 per dozen; the next line, tin pails, 3 gallons, with lip, as per sample, 10 dozen advertised for, \$2 per dozen. Of the first at \$18 a dozen, 20 dozen and a half were called for, although only 3 dozen were advertised for; of the latter none were called for.

Brooms—house brooms as per sample, advertised for 200 dozen. The bid in that line was \$1 per dozen. "Brooms, house as per sample"—using exactly the same language as in the former line, 30 dozen advertised for; bid for at \$3.25 per dozen. At the dollar price none were called for. At the \$3.25 price, 260 dozen were called for.

Now, when you take these fraudulent bids together with the corrupt methods of purchasing two and sometimes three times the quantity of the article advertised for, then you can readily see how easy it was for thousands upon thousands of dollars to be stolen from the taxpayers.

Why, gentlemen, it has taken us months to obtain and elicit upon

the stand the thousands of pages of testimony that have been taken here. And it would take me not hours, but days to even epitomize that testimony. But I can not take your time to that extent, nor have I the strength to do it. But I want to tell you that the evidence shows that there was not an item that was considered too small for theft; that there was not an item considered too large for fraud. Just think of it, gentlemen, you who represent the Empire State in the Legislature and are proud of its standing in the community; think of it you who recognize the supremacy, from at least a business standpoint, of the city of New York as a commercial center in the nation, that there was a time in these years of fraud and corruption in the department of charities and corrections of Kings county, when but *one bidder* appeared to bid for the dry goods contract of that department, and he a shirt manufacturer in a small way, and he received the contract. And when we placed him upon the stand for the purpose of arriving at some solution concerning the mystery how he could outbid and drive from bidding the great dry goods merchants of the State, when we wanted to know what his books and vouchers would show concerning his transactions with that department, we found from his own lips that all his books, all his vouchers, check books, and everything else had been destroyed by him deliberately, so that not a vestige of them remained and he could not produce them. And he testified to this in the face of the fact that he had a partner in the business, with whom he had not yet made a settlement of partnership matters, that without these books his partner could not arrive at the amount of moneys received and disbursed in the copartnership, and that the partner would have to rely upon the alleged honesty of this dishonest bidder.

So we find that whether the item was in brooms or in willow-ware, straw or hay, beef or flour, dry goods or shoes, tin-ware or engineers' supplies, cutlery or hardware, whether it was a steamboat bell worth \$100 or an earthen pipe worth 5 cents a foot, thieving, fraud and corruption was the rule without a single exception.

The law upon this subject is plain. Now, I desire to call the attention of this committee to the case of Nelson vs. The Mayor, and to what Judge Earl, chief judge of that court, and one of the greatest jurists this State has ever known, decided in exactly a similar case, showing a similar state of facts. I read you a part of his opinion. I won't bore you with the whole of it—

Chairman O'Grady—What volume is that, Mr. Hirsh?

Mr. Hirsh—One hundred and thirty-first New York, page 4. “This action was brought in October, 1873, to recover the balance claimed by the plaintiff to be due to him for vitrified salt-glazed stoneware drain and sewer pipe and invert blocks, delivered by him to the city in the years 1871 and 1872, under a contract with the city made in 1871. He has been paid 70 per cent. of the contract-price for the materials delivered, and the claim he now makes is for the remaining 30 per cent. retained by the terms of the contract, to wit, the sum of \$54,550.60 and the interest thereon from December 12, 1872.” So you notice that it was not a mere trifle that was involved in this litigation, but nearly \$55,000, which was the balance due upon a contract made with the city. You will also notice that the contractor brings the action. He has the affirmative of it for the purpose of proving what is due him under his written solemn contract with the city. The court speaks of the action having been twice tried, and what the result of the first trial decided. “The evidence of fraud and collusion in the making and execution of the contract was sufficient to sustain the verdict. The department of public works advertised for proposals to furnish the pipes and invert blocks. The advertisement was first published on the 8th day of April, 1871, and by its terms the letting of the contract took place on the 18th day of the same month.” You will notice that even the number of days is mentioned—ten days they were advertised for. The advertisement specified the size, quantity and quality of the materials to be furnished, and among the specifications was the following: “The

commissioner of public works reserves the right to increase or diminish the gross quantity, or the quantity of each kind to an amount not exceeding 30 per cent of the gross amount of contract, but the time of delivery, however, to be extended or diminished in the ratio of the increase or diminution;” and this clause was embodied in the contract. If every bidder for the contract put fair, honest, bona fide prices upon each kind of pipe to be furnished, this clause could work no mischief or injustice. But it gave opportunity—just such opportunity as could be desired by a person who wished, in collusion with the officers of the department of public works, to put in what is called an unbalanced bid—to perpetrate a fraud upon the city. No one not in fraudulent complicity with the city officials could, with this clause in operation, safely put in an unbalanced bid. If he bid a very low price for some of the pipes and a very high price for others, the city officials might require him to furnish a large quantity of pipes which he had offered to furnish for much less than their value, and thus he might be financially ruined, unless his pecuniary resources were very great. But by increasing the quantity of pipes which the bidder had agreed to furnish for a price largely in excess of their value, the city officials could make the fortune of the bidder. It is thus clear that no man of prudence could, under such circumstances, dare to put in an unbalanced bid, and thus place his fortune at the mercy of the city officials. If this clause had simply permitted the city officials to increase or diminish any kind of pipe only 30 per cent, the facilities for fraud would not have been so great. But with rare cunning it was so framed that any one kind of pipe could be increased by 30 per cent of the gross amount of the whole contract, and thus an enormous increase of the kind of pipe most profitable to the contractor was made possible.” Exactly, you will notice, the same situation as we have here. I called to your attention the W. J. Dickey & Son’s kerseys. They had the opportunity there—two kinds of kerseys; one they bid a fair market price for, 46 cents; and the other $2\frac{1}{2}$ cents. Instead of purchasing or

delivering the kind that was advertised for at 46 cents, they delivered the kind at $2\frac{1}{2}$ cents per yard and got 46 cents for it. "There was another clause in the proposals, harmless is honesty was the purpose in the making and performance of the contract, but well calculated to favor a contractor who was in complicity with city officials, and that provided that the contractor should 'commence the delivery of said pipe and appurtenances at such time and in such manner and proportion as shall be designated in said agreement hereunto annexed, and complete the same within ninety days next thereafter.'"

Thus the way was prepared, and the fraudulent scheme, as the jury must have found, was concocted.

Now, what happened? There were two bidders for the contract, Mr. McMann and the plaintiff. The prices bid by the plaintiff on many kinds of pipe were much below, and on many kinds much above, the prices of McMann, and the result was that for the estimated quantities of pipes and invert blocks contained in the proposals at the prices bid respectively by the two bidders, the plaintiff's bid was \$55,454.50 lower than his competitor's, and the contract was, therefore, awarded to him. What further happened? In the advertised proposals there were 43 different quantities and kinds of pipe mentioned, and for each of these the bidders named a price, and under the clause above quoted 26 of these kinds were entirely omitted, none having been required or furnished; and in every case where none was furnished the bid of the plaintiff was lower than that of McMann, and in no case was there an entire omission of pipe where the price of the plaintiff was greater than of McMann; and in the remaining 17 kinds of pipe, where plaintiff's prices were higher than those of McMann, the quantities were, in all but four trifling exceptions, largely increased. The result was that, measuring by the prices bid, the aggregate contract-price of the pipes and invert blocks delivered by the plaintiff under the contract was \$70,947.03 more than the same materials would have cost if the contract had been awarded to McMann

upon the prices bid by him. It is difficult to account for these remarkable results by any theory of chance or accident, and it is hard to disbelieve that they were not due to a fraudulent scheme previously devised.

There is another significant fact. The specifications, as advertised, required 2,000 invert blocks, and for these the plaintiff bid \$3.50 apiece, although he was at the time offering to sell them in different parts of the country for \$2.60, with at least 10 per cent. discount, and McMann's bid for them was only 60 cents apiece; and the quantity of these blocks required and actually delivered was 20,127, an increase of more than tenfold; and yet at the same time when the department of public works advertised for bids for the 2,000 invert blocks it advertised for proposals to construct sewers which required over 11,000, and these sewer contracts were let at the same time as the contract for materials let to the plaintiff. This evidence tended to show that when the city officials inserted in the specifications for the materials 2,000 invert blocks, they knew the city would need much more, and thus there was a fine opportunity for the operation of plaintiff's unbalanced bid. The same thing exactly, the same way exactly, is shown upon the face of these schedules here. Year after year and year after year it appears on the schedules from 1890 to 1894, and the commissioners of that period were examined upon the subject. They would advertise for a quantity of a certain article, and year after year the amount purchased was increased three, four, six, eight and ten fold, and yet the amount advertised for was never increased. "This is not all"—I continue to read from Judge Earl's opinion—"This is not all. The evidence tends to show that for the first payment made to the plaintiff under his contract, the city officials gave him an estimate for a much larger quantity of materials delivered under his contract than he had actually delivered, and that thus he was enabled to obtain from the city several thousand dollars more than was at that time his due. By the terms

of the letting and of plaintiff's contract, he was required to deliver all the materials in about 100 days, yet he was permitted to take many days in excess of that number."

It can not, we think, be said that all these facts are equally consistent with honesty as with fraud. They seem to point unmistakably to fraud and collusion. It does not seem possible that such a contract could be so made and executed with honest and fair motives. The plaintiff introduced no evidence on the trial to parry or weaken the force of this evidence. In this case the persons who would be in the position of the plaintiff in the case from which I am reading were the very men from whom we got the evidence. "He, knowing more of the facts than any other living witness, did not even offer his own evidence to put an innocent face upon facts which bear such an ugly aspect." In the case before this committee I have had the witnesses upon the stand, and all the contractors testified—some of them flagrantly—that they got some information outside which was paid for by a cigar or drink, and that otherwise they were "good guessers." There is no pretence, of course, that any fraud or collusion existed between the commissioners and themselves.

Judge Earl continues: "Fraud need not be proved by direct evidence. It is generally disguised and covered up and must be brought to light by the proof of circumstances not equally consistent with innocence. Here we can not doubt that the evidence was sufficient to warrant the verdict of the jury. (Matter of Anderson, 109 N. Y. 554.)

"It was not incumbent upon the defendant to show precisely how or when the fraud was concocted, or what particular city officials were implicated in it. It was enough to show that the contract with whomsoever made was the creature of fraud.

"Thus this contract was not in any proper sense, as required by law, let to the lowest bidder, and being fraudulent and void, it imposed no obligation upon the city."

So much for the law upon this. I won't leave this without saying another word: I deemed it my duty when this evidence was adduced, as counsel to this committee and in the interest of the taxpayers of Kings county, to notify the board of supervisors of Kings county of this evidence and of the facts that we had shown, of the frauds that had been perpetrated; and I also notified them of the rights of the county in the premises, under this authority of *Nelson vs. The Mayor*. I did my duty—what the board of supervisors has done I have not heard.

You will bear in mind that I called your attention to what is known as the "Emergency" clause in the act creating this board. This emergency clause permitted the board in case of emergency to purchase articles immediately required without calling for competition, at an expense not to exceed \$500 during any one month. This was subsequently increased to \$2,000 per month.

Now let me, in passing, just call your attention to the manner in which this very honorable board obeyed this portion of the statute. A sudden emergency arises for whiskey. This was in September, 1890, the cold weather had not yet come, nor was there any evidence to prove that any disease had broken out in the institutions necessitating the immediate purchase of a large quantity of stimulant. But at that time the department spends more for whiskey and sherry in a day than they are permitted to spend on the emergency fund in a month. They purchased four barrels of whiskey, a cask of sherry and a barrel of alcohol. In addition to this extraordinary purchase as an emergency, they paid for the whiskey so purchased \$1.85 a gallon, and at the same time for the same year they have already a contract under their schedules for the purchase of 500 gallons of whiskey at \$1.60 a gallon.

And so it was with horses. While the schedules contained items of horses to be supplied and for which contracts were made with reputable business men, the board, regardless of these contracts, went out into the open market, and this open market meant their friends

and acquaintances, the commissioner and his son, and bought horses from them, and then in 1893, when the emergency clause was increased to \$2,000, the horses were taken entirely from the schedules. The object of this was undoubtedly to give these conspirators an opportunity of making money out of their purchases.

Now, to give you an idea of how these commissioners construed this law, I will call your attention to the item of flag pole with hal-yards, etc., which cost the department \$294.04. And this was an emergency. From this item you can form some impression how these commissioners construed this emergency clause. They paid \$1,470 within four months for horses purchased under the emergency clause. Upon an emergency arising when starch was needed, they sent to the same corrupt dry goods dealer, who was not a dealer in dry goods, but a shirt maker, purchased starch from him and paid him double the price that it could be bought for in the open market. They erected buildings without authority, and erected them by days' labor instead of by contract, employing hundreds of mechanics most of whom drew pay without performing any labor.

Let us now open another chapter of this investigation, and call your attention to the methods employed by these commissioners in the employment of men and the performance of such work as was necessary for the conduct of the institutions under their charge. In the years of the honest administration of this department, about \$10,000 per year was sufficient to pay the wages of men who were necessary to make the needed repairs and alterations in the various institutions. Then this gradually rose to \$25,000 per year in the beginning of the administration of Messrs. Gott, Nolan and Murphy. But these gentlemen were not satisfied with that, and they increased it to over \$6,000 per month. Upon investigating into this matter I found that the department was being used not only for the purpose of making place for the hangers-on of the corrupt politicians who controlled the department, but that these hangers-on did not work, and received their

pay purely as sinecurists. Why, we found men who were chronically sick, and thousands upon thousands of dollars were paid out to men who were marked absent on the time books and who received their pay for the full month. Time books were doctored at the instigation and direction of the commissioners. The chief engineer of the department, who was a witness before your committee, testified that he was told to mark men sick who had been absent, so that excuses might be found to pay them. Pay-rolls were marked as if a large number of men had been paid for special work done, whose wages amounted to ten times the value of the work, and who were credited with doing that work long after it had been completed. More than a hundred men at a time, alleged mechanics, were fed at the table in the institution, most of whom did no work. When I called the attention of Commissioner Murphy to this horrible waste of public moneys, and when I asked him how he could reconcile the employment of such a large body of men with his duties as commissioner, he said that it was cheaper to employ men to do work by days' work instead of letting out the work by contract.

I asked the commissioner how these many men were appointed, and he said they were appointed at a regular meeting of the board. I then asked whether regular meetings of the board and the action taken thereat were noted in the minutes of the board, to which he replied that they were. But when I showed him the pay-rolls and the names of dozens of men, whose appointment at no time appeared upon the minutes of the board, he then stated that he thought that they had been appointed at executive sessions of the board. But here, again, the chief engineer of the department testified that the manner in which these men were appointed was that the commissioners, or some of them, would send him men with a note, saying, "Put this man to work;" and he thereupon obeyed the instructions of his superiors. Why, gentlemen, these villians had money to burn. Here was the treasurer of the county, and there were the looters. And they stole,

and robbed and filched, till not only the money appropriated for the department was gone, but deficiencies constantly arose.

And this brings me to another chapter of this investigation, namely, the deliberate violation of the law by these commissioners in their great greed for spoils. You will remember that under section 5 of the act of 1880, to which I have already called your attention, the commissioners are not permitted to exceed the amount raised and appropriated for their department. If this means anything, it means that when the board of estimate makes a provision for that department, that department must be so carried on, economically, if necessary, extravagantly, if permitted, but the amount raised and appropriated for that purpose must not be exceeded. The English language would, indeed, be poor if this terse expression could not be understood by any ordinary laymen. But these commissioners cared not for that. They not only got large appropriations from the board of estimate, but had large deficiencies at the end of the fiscal year. But in addition to that, the department earned about \$100,000 per annum, and this money so earned was not directly paid over to the county as has been testified here, not only by the former commissioners but by the present incumbents, indeed; but this money is paid over to the treasurer of the board of charities and deposited by him in his own name as such treasurer, and after he has drawn against that fund for such expenses as he or the commissioners choose to expend therefrom, the balance is paid over to the treasurer of the county of Kings. Surely, this method was never contemplated by law, for it leads and has led to the vicious and fraudulent misuse of this money. The records show and the testimony proved that out of the earnings of these institutions, from the money so deposited to the credit of the treasurer of this board, the former commissioners, with their counsel, chief engineer, clerk and others, took a junketing trip to Albany and there lobbied among the members of the Legislature for the purpose of influencing them against a bill which had been proposed and submitted

to the Legislature by the legislative authority of Kings county, the board of supervisors. On one of these trips between \$700 and \$800 was thus expended. And it has been frankly testified to by one of the present commissioners that the conduct of said department and the honesty of its administration is dependent entirely upon the honesty of the commissioners, and not upon any safeguards placed by the law and surrounding the administration of the affairs of that department.

You will recollect that I called your attention to another law passed in the year 1880, creating a board of estimate for the county of Kings and city of Brooklyn. Under that law the department of charities was compelled to transmit to the board of estimate a detailed statement of the several amounts which in their judgment would be required for the use of their department for the ensuing fiscal year. The proof shows, that the board of estimate, acting upon these detailed statements, allowed to that department certain several amounts in accordance with the detailed statements so furnished. For instance, they allowed so much for salaries, so much for supplies, so much for telephone service, so much for mechanics services, so much for rent and so on. Thus these several amounts were for specific purposes for that department and should have been used for those specific purposes by the department, and for those specific purposes only by the Commissioners who had been appointed to look after the affairs of the department honestly and faithfully. But they evaded that law, and I must confess that if this matter was not of vital interest to our community, that if this investigation had not shown up a most horrible state of corruption and fraud, the methods pursued to evade this law would be really amusing, for it showed a concurrence on the part of the financial officers of Kings county in the violation of law which is really quite child-like and bland, yet simply outrageous, though the method pursued was quite simple, but perhaps somewhat novel. When the Commissioners found that they

needed more money for mechanics services than the board of estimate had appropriated, for that purpose, they would send a message to the treasurer of the county of Kings, asking that he transfer from the salary account or from the rent or supply account to the mechanics services account. Or, if they thought that they would be short in salaries, or if they thought that they would be short in supplies or what not, these transfers were made by the Kings county treasurer upon the simple request of the commissioners. Of course, the result of this method of transferring was that there would be deficiencies in the accounts from which amounts had been thus transferred.

In addition to this we found upon the examination of the county treasurer's books that that official had not only permitted such transfers of thousands of dollars from one fund to another, but that when the entire appropriation for the department had been withdrawn from his office, he, in the greatness of his heart, permitted the commissioners to over-draw their account. This system of financial bookkeeping seemed somewhat peculiar to us, and knowing that another official had been elected by the people of the county as a watch dog of the treasury, we called him upon the stand and he came in the person of the auditor of Kings county, and his testimony was directly in line with all the evidence adduced before this committee. He said he did not know how much had been appropriated for the use of the department of charities, that he did not know how much it earned, that he kept right on auditing every demand that was made from that department, and would have kept on auditing such demands had not the treasurer of the county apprised him of the fact that he must do no more auditing as there was no more money.

This method of transfers and this method of auditing exists even under the present administration of that department.

Now, permit me to open up another and most interesting chapter in this investigation. We can all conceive how men placed in important public positions will use their positions to strengthen themselves

and their party, corruptly, if you please, with fraud and with theft, with connivance and with trickery. We can all conceive how a thief or a swindler will attempt to destroy the evidence of his thefts and of his swindling operations. We know that men in public situations are subject to temptations, and that it takes strong minds, and strong wills and honest hearts to withstand them, and we know that many men have fallen from their high position by reason of their inability to withstand such temptation. But it is not often, thank God, that the mean, miserable, petty, mercenary thievishness on the part of a public official is brought to light as there was in this case. Mr. Gott, or Col. Gott, as he is called, Commissioner Gott as he was known when he became president of that board of charities, went down to that beautiful place called St. Johnland or Kings Park, the place which cost the county millions of dollars, and has lately been turned over to the State for the consideration of one dollar, and it found favor in his eyes. He saw a beautiful park, and a fruitful soil, and he immediately came to the conclusion that that soil should contribute to his own well being. And accordingly he went to the head farmer of the place and he said to him: "You raise early strawberries here, don't you, and early vegetables and other good things?" to which the head farmer replied, "Yes." And the commissioner asked him: "Could I not get some of those fruits, vegetables, etc., sent to my house? I have many politicians dining at my house, and I want to show them what kind of a place I have got up there." And accordingly there were sent Commissioner Gott's house over 40 packages of various kinds of farm produce. Now, these facts were proven by the farmer himself and by the station agent of the Long Island R. R. Co., at Kings Park. And we produced in evidence before this committee three express receipts for packages delivered to Mr. Gott's house; but these three packages had not been sent from St. Johnland, but had been sent from Smithtown, another station, at the request of Mr. Gott, so that it would not be noticed. And Mr. Gott absolutely denied under

oath that he had ever received more than two or three packages, and these he claimed contained nothing but clams; but in his greed for early vegetables and early strawberries and the like, he failed to appreciate the fact that a station agent at a railroad station might keep records which might become unwholesome reading. And so his perjury upon the stand was apparent. But Mr. Gott's petty larceny did not end there; his house, or at least the house in which he resided and which he claimed belonged to his wife, was in process of repair; he admitted on the stand that some of the county employes did some work on this house, but claimed to have paid them for the work they had done, and that the only work they did was not in county hours but in off hours. But, alas, again, for Col. Gott, we produced the men who did the work, and four of them testified that they worked in Mr. Gott's house during county time, with county material, and received no pay except the pay from the county. And this is the man who was president of that department for four years, who controlled and directed its destinies and whose infamous conduct is flagrantly shown upon each of the pages of the records of that department.

But now let us go a little further and see what was done with the immense sums of money that were expended by these commissioners during these four years for construction and repair. The chief engineer, in response to my request, made out a statement showing that during those four years something over \$500,000 had been expended on the county buildings for repairs and supplies necessary to make those repairs. This was \$120,000 more than was shown by his own weekly reports, which are records of the department; he could not explain this difference except by saying that his weekly reports did not contain any special work that he was called upon to do. While it was proven to him conclusively that he was wrong in this reasoning, yet he could give no other suggestion. But for \$500,000 in four years the county would have a right to expect, nay the county would have a right to demand that

the buildings in charge of the men who expended this money would be in a fairly decent, habitable condition. This was found to be almost the case with the insane asylum, the almshouse and the penitentiary, although the two former buildings could have been in a much better condition for the inmates for the money expended than they were. But the hospital was in the most shocking condition that any building could be wherein human beings are to be confined. We found it somewhat difficult to obtain experts who were willing to visit the county buildings and examine them for the purpose of giving their testimony before your committee; and we, therefore, went to the commissioner of health of the city of Brooklyn, who kindly detailed for this purpose one of the brightest sanitary experts whom it has ever been my pleasure to meet. He was impartial, had no interest in this investigation or in the commissioners who were formerly in the department or in those who are the present incumbents. His interests were solely in the direction of truth, and his report, without any corroborative testimony from others, was an arraignment of the present commissioners as well as of the former commissioners, which was something too horrible to contemplate. Without reading it in its entirety, permit me to give you the most salient parts of it.

He says that he inspected the buildings of the county at Flatbush; that they are "built in an old style and have not the requirements for institutions of this character. The ventilation is very crude and in many cases entirely insufficient. The plumbing is in a most shocking condition, showing evidence of neglect or indifference. Leaks in the pipes are stopped by means of rags; the covers of the traps are in many instances left open, affording a direct communication between the rooms and the sewer. The lead pipes in the bath-rooms are battered so that the water will hardly pass away from the fixtures, and are sagged so that they must necessarily be in a very foul condition. The iron pipes, in places where they could be seen, are not properly caulked at the joints, and besides this have holes large enough for the

arm to be thrust into them, thus affording another direct communication with the sewer. The buildings throughout are overcrowded to such an extent as would not be tolerated in a tenement or lodging-house in the city."

"The hospital is divided up into small wards, extending through the building, with a door at each end over which there is a transom, which may be opened for ventilation. On the male side this is the only means of ventilation; on the female side there are ventilators extending to the roof from each of the wards. Each room has to accommodate, I was informed, from 20 to 30 patients, affording about 300 or 400 cubic air space to each patient, and a floor space of from 20 to 30 square feet. To accommodate this number of patients it is necessary to make up a number of beds on the floor. The minimum amount of air space allowable in the cheapest tenement or lodging house is 400 cubic feet. For hospitals the best authorities place the proper minimum air space at from 1,200 to 1,500 cubic feet. In addition to this overcrowding there is in the corner of each ward a bath-room separated from the rest of the ward by a partition which extends only part of the way to the ceiling and ventilated only into the ward itself. In this bath-room there are a water-closet, bath-tub and sink. The water-closet is of the short hopper type with a hand hole on the trap for removing obstructions. In a majority of cases the cover of this hand hole was loose, and a direct communication was afforded from the sewer to the air of the room. The bath-tubs are generally connected with the trap under the sink. In most cases there was about four feet of lead pipe between the sink trap and the bath-tub, battered and defective, and which must be extremely foul; in fact, the odor from the bath-tub waste was exceedingly offensive. In many cases there were openings from this bath-tub in the partition space, and these were all filled with dirt and offensive. The only ventilation for these wards which are so overcrowded and which contain plumbing fixtures which must continually allow noxious gases to

escape, is by the doors at each end and by the transoms over the doors. In summer this ventilation is very satisfactory as there is a continual draft through the wards, but in winter the conditions must be very different. If there is any ventilation whatever in cold days the cold air must come directly on the patients, and with the number of patients in each ward to keep the air in any way reasonably pure it must be necessary to have a considerable current through the room all the time. Each room was examined in detail but the above general description will answer for all of them."

"The basement is also used for the accomodation of patients, which is objectionable as the floor is about four feet below the surface of the ground, and even at the time of my visit which was a bright, dry day, there was a feeling of dampness."

"In the cellar, joints of the iron pipe were defective and there were large holes broken in the cast-iron pipe and the smell of the sewer gas was noticeable. Outside where the sewers leave the building there are intercepting traps placed in the man holes. In one of these man holes there was a great accumulation of filth which had been brought there evidently by a stoppage in the sewers and which was decomposing and exceedingly nauseating."

As I have already said, this report, uncorroborated, would be a terrible arraignment of the department of charities. Yet there was corroborative evidence which added horror and intensity to the situation. John W. Williams, formerly a nurse in the Flatbush hospital and at one time an inmate of that institution, was called as a witness. And he testified to gross drunkenness on the part of the nurses in charge of that place, to neglect on the part of the superintendent in charge and on the part of the young physicians under him. That drunken nurses would give the wrong medicine to patients. That patients, instead of nurses, would do the work. Of the filthy condition of the institution. Indeed the entire testimony regarding this hospital is so revolting that I pass over it hurriedly, knowing that the record in this investigation will receive your careful attention.

I will add, however, that after the testimony had been adduced before this committee of the sanitary engineer and Mr. Williams, the nurse, the visiting physician of the hospital made a report which substantially corroborates everything testified to by our witnesses, and that a substantial result has already been accomplished by the investigation of that institution, is shown by the fact that plans have already been prepared for the erection of a hospital which would in all respects conform to the standing of this great city in this country.

I now reach another chapter in this investigation, which to my mind is fully as important as any of those already referred to. The penitentiary of Kings county being under the charge of the department of charities and corrections, was also investigated by your committee. We can all appreciate the great difficulties surrounding the investigation of a penal institution. The men in charge have the confidence and necessarily should have the confidence of their superiors. Prison management has been a problem for so many years that I doubt if any legislative committee would arrogate to itself the position of being able absolutely to solve it to the satisfaction of all. We examined the warden of the penitentiary, and we examined some of the keepers and we examined very many of the convicts and ex-convicts, and while we found very many things properly the subject of adverse criticism in the management of that institution, I decline to say for myself that the institution is conducted any worse than other similar institutions. But it is very evident from the examination that we made of it that the reasons existing for the adverse criticism which we must make are largely caused by the desire of the men who have the institution in their charge to economize at the expense of the inmates. This was evidenced by the fact that the food given to the convicts is not of the character that should be given to men who have very hard labor to perform. A slice of bread in the morning with a cup of coffee and a slice of bread in the evening with a cup of tea is not very nourishing food, and the mid-day meal, while it consists of

meat and soup, and is no doubt the most nourishing meal, is the one meal that is withdrawn from the convict for any infraction of the rules of the institution. And this act, namely, compelling a convict to go without his mid-day meal for such infraction is of most common occurrence. So we have a man compelled to do a hard day's work in the various shops of the penitentiary fed upon food entirely insufficient to give them that strength which nature demands. There was also some testimony concerning brutality of warden and keepers upon convicts. One case in particular I desire to call the attention of this committee to was the case of a man, who, for some infraction of the rules, had the fire-hose played upon him. It is needless for me to comment upon this as a direct violation of law. If there ever was a cruel or unusual punishment inflicted upon a man it was inflicted upon that man when that stream of water was played upon him.

Another punishment is the placing of a man in dark cells and keeping him there for days and days at a time because they have either refused to do their task, or the keeper in charge believes that they refused to do their task, although they themselves may claim that they are unable to perform it. This punishment of placing a man in a dark cell, half-starved, with nothing but the bare floor to lie upon, without light, very little air, and the stench of the vessel which he uses within the cell, I also consider cruel and unusual punishment. But after all, I must come back to my original proposition that the problem of prison management is not so easily solved. And what a warden must do for the purpose of maintaining discipline in a large penal institution with hundreds of men, depraved, wicked and criminal, many of them ready and willing, no doubt, to make an outbreak, is something most difficult to determine.

But there are three things aside from the discipline of the institution that the inmate, the convict, is entitled to at the hands of the community which protects itself by placing him in that penitentiary. He is a human being. He is entitled to receive enough to eat and

drink. The fare should be wholesome and nourishing. That's one thing. He is entitled to receive that food in clean vessels. That is number two. And third: He is entitled, when the day is over, and his task is done, when he goes to his cell to sleep, that his bed should be free from other inmates than himself.

We will take an adjournment for lunch now, if the committee wish.

Chairman O'Grady — The committee will stand in recess until half-past 2 o'clock.

AFTERNOON PROCEEDINGS.

Present—Mr. O'Grady, chairman; and Messrs. Whittet, Pavey, Schulz, Cole, Keenholts and Foley, of committee.

Mr. Hirsh (continuing).—At the time of recess I suggested that there were three things that the convicts or inmates of these penal institutions were entitled to: First—enough to eat and drink; and, second—that the vessels in which they receive their meals should be clean. I come now to the third, and that is this—after the day's work is done, after the convict has done the task which he is compelled to do or be punished—after he has been fed or half-fed, he is entitled, when he gets to his cell, to have a bed to sleep upon in which he can sleep alone, without having any other inmates in that bed who are not provided for by law.

Of the character of the food I have already spoken. But the vessels in which that food is given to the inmates, those of your committee who went to the penitentiary together with your counsel and with several members of the press, will bear with me when I say that any man who has the slightest regard for humanity—nay, more than that; any man who wanted to give a bone to the most wretched cur that ever ran the streets, would not feed such a cur in such filthy, dirty, rusty vessels as were shown to us at the Kings County Penitentiary, out of which the convicts were fed. And when we went to the cells,

we found that many of them were dirty, many of them stunk from the buckets used in the cells by their inmates, and the beds in many of these cells were filled with vermin. Now, I claim that this treatment is not honest, it is not decent, it is not human. When these miserable creatures, unfortunate and criminal though they are, enter their cells at night, they have the right to be permitted to sleep without being eaten by vermin. Men should be employed to keep the cells clean. And this argument will also apply to the cooking of the food in that institution, which is also done by convicts. The cooking is very bad. Men should be employed for this purpose. There is no reason why the penitentiary of Kings county should be conducted so economically as to be self-supporting, and for the purpose of making it self-supporting, giving the inmates poor food, dirty cells and vermin-infested beds.

Now, I will call the attention of this committee to just one more subject before I make suggestions concerning the remedies and that subject is the care of poor, unfortunate, destitute children who are committed to various institutions. Under our present law such children may be committed both by the commissioners of charities and by the police magistrates. I believe that the law in this regard is bad. While children who are committed by the department of charities are kept track of and can be found in the various institutions, the children committed by a police magistrate are practically lost so far as any one has any knowledge of what becomes of them after commitment. And while it is true that the police magistrate before committing a child must send to the commissioners of charities for them to investigate into the matter, yet after such investigations is made, and the department reports to him, he may, if he desires, entirely disregard their instructions.

So far I have, although quite at length yet but cursorily considering the mass of testimony taken in this proceeding, presented to you the facts as they have appeared before you. And if you will permit me, I will now proceed to give my opinion regarding what I believe to be

the necessary remedial legislation which should follow as a result of this investigation.

First of all, I believe that the department of charities and corrections of Kings county, particularly now that it has been relieved of the care of the insane, should be in charge of a single commissioner. There should be one sole responsible head. There should be no divided responsibility. It should never again be in the power of one commissioner to say, as was said by Colonel Gott on the witness stand during this investigation, "I left that to Murphy," and then have the other commissioner say "Well, I left that to Gott." The public have the right to know who is responsible, and hold that person to strict accountability for the performance of the trust reposed in him. The police department of this great city is under a single head; the fire department is under a single head; the city works department, with the expenditure of millions of dollars per annum, is under a single head. Why should not the department of charities and corrections be under a single head?

Then again, I would have that no commissioner of charities shall have the right to exceed the appropriations made for such department, under penalty of indictment, and that the transfers of moneys from one object for which moneys were appropriated for that department to another should be made impossible, and if made by collusion between the officials, should also be made the subject of indictment.

I would also suggest that in any amendment to existing laws regarding the department of charities and corrections of Kings county there should be the words, substantially, that in all contracts for supplies made by the commissioner of charities, whether such contracts be made in line items or in classes, the commissioner must reserve to himself the right to reject any item in any class or line contracted for. This, in my opinion, would forever do away with the fraudulent balanced bid system.

Regarding the disposition of children I would suggest such reme-

dial legislation that no magistrate should have the power to commit poor, destitute or orphan children, but that all such children should be under the care of the commissioner of charities, and that proper records be kept in such department concerning such children, and that the department or its commissioner should be compelled to employ investigators to enquire whether children sought to be committed have parents who could and should support them, and that action thereon should be taken only after such investigation.

Now, if you will pardon another suggestion regarding remedial legislation, I will say this:

The system now in existence regarding the expenditure of moneys in the county of Kings has been proven during this investigation to be entirely inadequate. The idea of a county treasurer who permits transfers to be made, and who permits overdrafts to be made by a single department of his county, shows a violation of law which must not be tolerated in a community like ours. And a county auditor who continues to audit bills without knowing the extent of his audit, nor the amount of money appropriated for a particular department, is certainly not a model for emulation. Hence I would suggest legislation for the creation and appointment of commissioners of accounts whose duty it should be to examine at frequent intervals the books and vouchers of the various departments of our city and county, to see that moneys appropriated for specific purposes are not fraudulently or extravagantly dissipated, and who should generally have a supervision over the expenditure of moneys appropriated for the conduct of the various departments, and who should make their reports semi-annually or quarterly concerning the condition and needs of such departments.

Such commissioners of accounts would be a great help to the board of estimate in arriving at the several amounts necessary for the conduct of the different departments as, by their examination, they would be able to arrive at the facts concerning the requirements of each de-

partment, and appropriations would then be made in accordance with such requirements.

I have nothing further to suggest in the line of remedial legislation.

In conclusion I want to say just a few words and it is due to this committee, and it is due to me, that these few words should be said:

In my very many years of experience at the bar I have never known a committee appointed to investigate departments or institutions whose desire, as emphasized by the action of every member composing the committee, to arrive at the truth from an entire non-partisan standpoint, to elicit the facts, regardless of whom it may hurt, to investigate, with all that that term implies, was more earnest or more sincere than that of your committee. When it was first suggested by a member of your committee that the honor of being appointed your counsel might be conferred upon me, I replied that there was but one condition that I had to make if I accepted that appointment, and that was, if I were appointed, I must be and remain untrammelled and uninfluenced, regardless of the persons who might fall within the toils of this investigation. And I desire to say that this condition was kept to the letter. And I want to thank the committee for the confidence they reposed in me, although that confidence was coupled with grave responsibility, I have done my duty as far as I understood it, and now that it is ended, I can only hope that the result of this investigation will bring not only good to the city of Brooklyn and the county of Kings and to the entire State, but that it will cause all men in public positions to have a higher regard for the office they hold and to believe implicitly in the expression so frequently used, that "public office is a public trust."

Chairman O'Grady: The committee will now go into executive session.

Adjourned.

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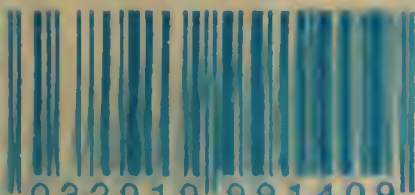
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